

FINANCE/EXECUTIVE COMMITTEE

AGENDA

DECEMBER 10, 2008

A. ADOPTION OF AGENDA

B. APPROVAL OF MINUTES

C. DISCUSSION ITEM

**City Infrastructure Status Report - David Edwards, Off. of the Mayor
Joe Basista, Comm. of Public Works**

CONSENT REPORT

D. ORDINANCES FOR FIRST READING

08-O-2406 (1) An Ordinance by Finance/Executive Committee, a Fourteenth Supplement Bond Ordinance, supplementing the restated and amended Master Bond Ordinance of the City of Atlanta adopted on March 20, 2000 (99-O-1896), as previously amended and supplemented, particularly as supplemented specifically by that certain amended and restated Third Supplemental Bond Ordinance of the City of Atlanta adopted on May 19, 2003 providing for, among other things, the issuance and delivery of the City of Atlanta Variable Rate Airport General Revenue Refunding Bonds Series 2003RF-B and the City of Atlanta variable Rate airport general revenue refunding Bonds Series 2003RF-c; to authorize the cancellation of the existing MBIA Financial Guaranty Insurance Policy insuring said Series 2003RF Bonds and approving the form and authorizing the execution of a Cancellation Agreement; to authorize the acceptance by the City of a commitment to issue a Financial Guaranty Insurance Policy from Assured Guaranty Corp. and approving the form and authorizing the execution of an Insurance and Indemnity Agreement; to provide for a revised form of said Series 2003RF Bonds and for the execution of said Series 2003RF Bonds; to approve the form and authorize the execution of amendments to standby Bond Purchase Agreements between the City and the banks providing liquidity support for said Series 2003RF Bonds; to authorize the termination of the Interest Rate Exchange Agreements between the City and certain counterparties in connection with said Series 2003RF Bonds and approving the form and authorizing the execution of such other instruments and documents necessary or desired in connection with the termination of such Interest Rate Exchange Agreements; granting the Mayor the authority to approve and execute such other instruments and documents

CONSENT REPORT

D. ORDINANCES FOR FIRST READING (CONT'D)

necessary or desired in connection with the cancellation of the MBIA Financial Guaranty Insurance Policy and the substitution of the Financial Guaranty Insurance Policy from Assured Guaranty Corp. and providing for incidental action; authorizing certain officials and employees of the City to take all actions required in connection with the cancellation of the MBIA Financial Guaranty Insurance Policy and the substitution of the Financial Guaranty Insurance Policy from Assured Guaranty Corp.; providing certain other details with respect thereto; providing for severability; providing an effective date; and for other purposes.

08-O-2412 (2) An Ordinance by Finance/Executive Committee, authorizing the Mayor or her designee to waive the Source Selection Provisions contained in the City of Atlanta Code of Ordinances, Article X, Procurement and Real Estate Code, to authorize the Chief Financial Officer to remit payment for all outstanding invoices to International Systems Strategies Incorporated in an amount not to exceed \$60,000.00 for Telecommunications Auditing Software and Services, all funds to be charged to and paid from Fund, Department, Organization, and Account Numbers 1001 (General Fund) 050209 (IT Telecommunications) 5232001 (Telephone Expense) 1535000 (Data Processing/Management Information Systems) to ratify the prior provision of goods and services to the City by International Systems Strategies Incorporated; and for other purposes.

08-O-2413 (3) An Ordinance by Finance/Executive Committee authorizing the Mayor or her designee to waive the Source Selection Provisions contained in the City of Atlanta Code of Ordinances, Article X, Procurement and Real Estate Code, to authorize the Chief Financial Officer to remit payment for all outstanding invoices to Kronos Incorporated in an amount not to exceed \$131,484.01 for Hardware and Software Maintenance and Support for the Time and Attendance System, all funds to be charged to and paid from Fund, Department, Organization, and Account Numbers 1001 (General Fund) 050102 (IT Administration) 5311001 (Supplies, Consumable) 1535000 (Data Processing/Management Information Systems) and 1001 (General Fund) 050202 (IT Applications) 5424004 (Software (\$5,000.00+)) 1535000 (Data Processing/Management Information Systems) to ratify the prior provision of goods and services to the City by Kronos; and for other purposes.

REGULAR REPORT

E. ORDINANCES FOR SECOND READING

- 08-O-2291 (1) An Ordinance by Finance/Executive Committee authorizing the Mayor or her designee to waive the application of the Atlanta City Code, Article X, the Procurement and Real Estate Code and authorizing the Mayor or her designee to enter into an appropriate Renewal Agreement with Oracle USA Inc., for the Oracle RAC Software Licenses and Support for the ERP Application, on behalf of the Department of Information Technology, in an amount not to exceed \$56,446.42; all contracted work shall be charged to and paid from Fund, Department, Organization, and Account Number 1001 (General Fund) 050202 (IT Applications) 5410001 (Consultant/Professional Services) 1535000 (Data Processing/Management Information System); and for other purposes.
- 08-O-2292 (2) An Ordinance by Finance/Executive Committee authorizing the Mayor or her designee to waive the application of the Atlanta City Code, Article X, the Procurement and Real Estate Code and authorizing the Mayor or her designee to enter into an appropriate Renewal Agreement with Oracle USA Inc., for the Oracle Database Software Licenses and Support for the ERP Application, on behalf of the Department of Information Technology, in an amount not to exceed \$70,179.99; all contracted work shall be charged to and paid from Fund, Department, Organization, and Account Number 1001 (General Fund) 050202 (IT Applications) 5410001 (Consultant/Professional Services) 1535000 (Data Processing/Management Information System); and for other purposes.
- 08-O-2295 (3) An Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer to amend the FY 2009 Water and Wastewater Budget, on behalf of the Department of Watershed Management, in the amount of \$539,000.00 by transferring funds from 5052 (Water and Wastewater) 200101 (NDP Reservation of Fund) 5999901 (Reserve Conversion Account) 1512000 (Accounting) to 5051 (Water and Wastewater) 170201 (DWM Wastewater Treatment) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration) for Litigation Expenses associated with Department of Watershed Management matters; and for other purposes.

REGULAR REPORT

E. ORDINANCES FOR SECOND READING (CONT'D)

- 08-O-2351 (4) An Ordinance by Finance/Executive Committee waiving the Atlanta City Code of Ordinances, Article X, the Procurement and Real Estate Code, to authorize the Extension of Contract No. FC-6007000058, Post-Production Support for Enterprise Resources Planning, with Oracle USA, Inc., on behalf of the Department of Information Technology, and to add funding in an amount not to exceed \$1,250,000.00; all contracted work to be charged to and paid from Fund, Department, Organization and Account Number 1001 (General Fund) 050202 (IT Applications 5213001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information Systems); and for other purposes.
- 08-O-2352 (5) An Ordinance by Finance/Executive Committee authorizing the City of Atlanta to waive the Competitive Procurement Provisions contained in Article X, Procurement and Real Estate Code, of the City of Atlanta Code of Ordinances, to authorize a Month-to-Month Contract with NovaPro Risk Solutions, LP, for up to six (6) months or until another vendor is accepted, for Workers' Compensation Third Party Administration, Healthcare Management and Litigation Management, on behalf of the Department of Finance, in an amount not to exceed \$777,150.00; all expenses to be charged to and paid from Fund Department Organization and Account Number: 1001 (General Fund) 200307 (NDP Workers' Compensation Expenses) 5127001 (Workers' Compensation Inc) 1555000 (Risk Management) (Previously 1A01/General Fund; 515001/Workers' Compensation Inc.; T33301/Workers' Compensation Expenses); and for other purposes.
- 08-O-2425 (6) An Ordinance by Councilmember Clair Muller [i] authorizing the extension of Contract No. FC-7593-03 with Eagle Group International from December 14, 2008, until January 13, 2009; [ii] waiving the Competitive Source Selection Requirements of the City's Procurement and Real Estate Code, as well as any other conflicting code provisions; in an amount not to exceed \$200,000.00. All contracted work will be charged to and paid from FDOA 5501 (Airport Revenue Fund) 180312 (Operations) 5212001 (Consulting/Professional Services) 7563000 (Airport); and for other purposes.

REGULAR REPORT

E. ORDINANCES FOR SECOND READING (CONT'D)

- 08-O-2433 (7) An Ordinance by Councilmember Anne Fauver authorizing a reimbursement of Development Impact Fees paid by Dewberry Capital Corporation at 1543-1559 Peachtree Street and the granting of future impact fee credits in connection with Infrastructure Improvements which were required pursuant to Zoning Conditions imposed by Ordinance 99-O-1235; and for other purposes.
- 08-O-2435 (8) An Ordinance by Councilmembers Ceasar C. Mitchell and Carla Smith to waive Article X, Section 2-1188 (11) of the City of Atlanta Real Estate and Procurement Code to allow the Chief Procurement Officer to negotiate the adjustment of the Bid Price, changes in the bid requirements and scope of work with the lowest responsive and responsible bidder for the Project Numbered FC-4670, Contract for Sewer Group Two Rehabilitation Phase I-Pipe Bursting, Contract C, on behalf of the Department of Watershed Management, to the extent that Section 2-1188 (11) conflicts with State Law, O.C.G.A. Section 36-91-21 (b) (4); to authorize the Chief Procurement Officer to negotiate with the lowest responsive and responsible bidder for FC-4670; and for other purposes.

F. RESOLUTIONS

- 08-R-2319 (1) A Resolution by Councilmember Anne Fauver to amend Resolution 08-R-1783 to authorize the Mayor or her designee to establish a Recovery Charge of 19.8% which reimburses the City for compensation to MSB Government Services for FC-4678-08; for delinquent account receivables at a compensation rate of 19.8% of principal amount collected to be charged to and paid from various Fund, Department Organization and Account Numbers listed herein; all revenue generated shall be deposited to various Fund, Department Organization and Account Numbers listed herein; and for other purposes. **(Referred back by Council 12/1/08) (A Public Hearing is scheduled to be held on 12/10/08 at 1:00pm)**
- 08-R-2414 (2) A Resolution by Finance/Executive Committee authorizing the Mayor to execute a Contract with Honeywell, Inc. for FC-4714, Citywide HVAC Services on behalf of the Executive Offices-Office of Enterprises Assets Management to include the sites and funding of the Departments listed herein in an amount not to exceed \$1,505,964.31. All contracted work shall be charged to and paid from Fund, Department, Account, and Function Activities listed; and for other purposes.

REGULAR REPORT

F. RESOLUTIONS (CONT'D)

- 08-R-2415 (3) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Amendment No. 2 with A-Action Janitorial Service, Inc. for FC-7665-04A, Citywide Janitorial Service, on behalf of the Executive Offices-Office of Enterprise Assets Management to appropriate FY-09 funding on behalf of the Department of Watershed Management in an amount not to exceed \$113,600.00; all contracted work shall be charged to and paid from 5051 (Water & Wastewater Revenue Fund), Department 170407 (DWM Drinking Water Facility Maintenance), Account 5212001 (Consulting/Professional Services), 4430000 Function Activity (Treatment); and for other purposes.
- 08-R-2416 (4) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Amendment No. 5 to Contract No. FC-6005007888B, Citywide Security Guard Service, between the City of Atlanta and Dothan Security, Inc. on behalf of the Executive Offices-Office of Enterprise Assets Management to add FY-09 funding in an amount not to exceed \$200,000.00 for the Department of Watershed Management-Bureau of Security. All contracted work shall be charged to and paid from 5051 (Water & Wastewater Revenue Fund), Department 170901 (DWM Watershed Security), Account 5212001 (Consulting/Professional Services), 392000 Function Activity; and for other purposes.
- 08-R-2431 (5) A Resolution by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Intergovernmental Grant Agreement with the Georgia Department of Community Affairs (DCA) to accept a Local Assistance Grant on behalf of Hands on Atlanta in the amount of \$10,000.00 for the purpose of funding innovative and new approaches to encourage volunteerism and civic engagement in Atlanta; and for other purposes.

G. PAPERS HELD IN COMMITTEE

- 06-R-1667 (1) An **Amended** Resolution by Finance/Executive Committee authorizing the Mayor to execute a Master Agreement with TDC Systems Integration, Inc., for FC-6006007881, for Citywide On-call Services for Information Technology Staffing; authorizing the Chief Information Officer of the

G. PAPERS HELD IN COMMITTEE (CONT'D)

Department of Information Technology, the Director of Information Technology of the Department of Watershed Management and the Aviation Information Systems Director of the Department of Aviation, to execute all statements of work; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; not to exceed \$400,000.00 per year for each Department, specifically Watershed Management, Aviation and Information Technology, with the total cost not to exceed \$1,200,000.00; and for other purposes. **(Amended and held 8/16/06 at the request of the Committee to allow time pending additional review.)**

07-O-0138 (2) An Ordinance by Councilmember Ceasar Mitchell to amend the Procurement Code of the City of Atlanta, Georgia by adding to Section 2-1142, Monthly Report to City Council; and for other purposes. **(Held 1/31/07 at the request of the Department of Procurement for an additional study.)**

07-O-0623 (3) An Ordinance by Councilmember Jim Maddox to provide for the Annexation of 4505 Birdie Lane, SW, Atlanta, Georgia, 30331, 0.404 acre of land located in Land Lot 61 of the 14th District of Fulton County to the Corporate Limits of the City of Atlanta, Georgia; to provide for the notification of the Department of Community Affairs of the State of Georgia of such annexation; and for other purposes. **(Held 3/38/07 to ensure annexation procedures are executed appropriately.)**

07-O-0968 (4) An Ordinance by Councilmember Jim Maddox to provide for the Annexation of land known as the Orkney/Lanark Drive Community to the corporate limits of the City of Atlanta; to provide for the notification of the Department of Community Affairs; and for other purposes. **(Held 5/16/07 due to State requirement.)**

07-O-0974 (5) An Ordinance by Councilmember C. T. Martin **as substituted by Finance/Executive Committee** to amend Article V Classification Plan, of the Code of Ordinances, City of Atlanta, Georgia, so as to create 215 positions in the Atlanta Police Department; and for other purposes. **(Held 5/16/07 in conjunction with consideration of 2008 Budget.)**

G. PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1087 (6) A **Substitute** Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer to allow the City to impose a verification/convenience fee in the amount of \$4.50 on credit cards users, on-line payment users, electronic check users, or interactive voice response users submitting payments for fees and/or fines imposed by the City of Atlanta such as those associated with Traffic Enforcement and Water and Wastewater City Services; to recover the cost the City pays to third-party vendors to process such payments; all collected funds will be deposited into various Fund, Account and Center Numbers; and for other purposes. **(Held 6/13/07 for NPU notification and Public Hearing 8/1/07; Referred from Full Council 8/20/07; Held 8/29/07 by the Department of Finance for additional clarification.)**
- 07-R-1904 (7) A Resolution by Councilmembers Joyce Sheperd and C. T. Martin that encourages members of the United States Congress to support the Employee Free Choice Act which authorizes the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them. **(Held 9/12/07 for further review and clarification on how this impacts the City.)**
- 07-R-2138 (8) A Resolution by Councilmember Ceasar C. Mitchell to support H. R. 2447 to establish an Energy and Environment Block Grant Program that is presently before the United States Congress; and for other purposes. **(Held 10/10/07 per Committee Chair pending cost benefits analysis from Washington Lobbyist.)**
- 07-R-2139 (9) A Resolution by Councilmember Ceasar C. Mitchell to endorse H. R. 3535 Homebuyer's Protection Act of 2007 pending in the United States Congress; to urge the Georgia Congressional Delegation to support the Act; and for other purposes. **(Held 10/10/07 per Committee Chair pending cost benefits analysis from Washington Lobbyist.)**
- 08-O-0295 (10) An Ordinance by Councilmembers H. Lamar Willis, C. T. Martin, Felicia A. Moore, Natalyn Archibong, and Ivory Lee Young, Jr. to rescind Ordinance 07-O-2410; and for other purposes. **(Held 2/13/08 pending information from the Department of Personnel and Human Resources.)**

G. PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-0299 (11) An Ordinance by Councilmember Howard Shook authorizing a Twelfth Supplemental Bond Ordinance Supplementing the restated and amended Master Bond Ordinance of the City of Atlanta Adopted on March 20, 2000, as previously Amended and supplemented, to authorize the issuance by the City of Atlanta of its Variable Rate Airport General Revenue Refunding Bonds, Series 2008A, in one or more Series, in an aggregated principal amount of not to exceed \$550,000,000.00, each to bear interest in a Variable Rate Mode; to refund all or a portion of the City's Variable Rate Airport General Revenue Refunding Bonds, Series 2003RF-B and Series 2003RF-C; to provide for a reasonably required debt service reserve; to provide for the rights of the holders of said Bonds; to make certain other covenants and agreements in connection with the issuance of such Bonds; to provide certain terms and details of said Bonds, including authorizing delegated negotiated sales of said Bonds; to provide for the execution of certain agreements relating to one or more credit and/or liquidity facilities with respect to the Series 2008A Bonds; to pay expenses relating thereto; to authorize the preparation, use and distribution of one or more preliminary and final official statements in connection with the offer and sale of the Series 2008A Bonds; to provide for the Annual Submission of certain Financial Information and Operating Data pursuant to Rule 15C2-12 of the Securities and Exchange Commission; to designate one or more underwriters and remarketing agents, and a tender and paying agent and to approve forms of various other agreements in connection with the issuance of said Bonds; providing for incidental action; providing for severability; to provide an effective date; and for other related purposes. **(Held 2/13/08 at the request of the Department of Finance pending an agreement with Bond Insurers and LOC Providers.)**
- 08-O-0402 (12) A **Substitute** Ordinance by Finance/Executive Committee authorizing the Chief Procurement Officer to purchase property located at 207/211 Vine Street, N. W., and 601/605 Spencer Street, N. W., Atlanta, Georgia 30314; to provide for the appraisal of the property; to obtain title reports; to negotiate the purchase price of the property; to authorize the use of legal proceedings if necessary to obtain the property; to accept funds in the amount of \$725,000.00 plus funds for other expenses from the Atlanta Development Authority to be applied towards the purchase of the property; and for other purposes. **(Substituted and held 3/12/08.)**

G. PAPERS HELD IN COMMITTEE (CONT'D)

- 08-R-0510 (13) A Resolution by Councilmembers Howard Shook and Cleta Winslow authorizing the Mayor to enter into an Intergovernmental Agreement with Fulton County District Attorney for a period of three years in an amount not to exceed \$26,000.00 per month for services for the City of Atlanta under for Consultation and Support Services to Victims and Witnesses of Crimes; all contracted to be charged to and paid from Fund, Account and work Center Number: 3P01 (Agency Fund) 264017 (Muni Court VW Asst Prg (MCVW)) A00001 (Balance Sheet Center); and for other purposes. **(Held 3/12/08.)**
- 08-O-0736 (14) An Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer to engage on behalf of the City of Atlanta to establish and implement a cost neutral Deferred Retirement Option Retirement Plan as an additional benefit for the members of the City of Atlanta Firefighter's Pension Fund and the City of Atlanta Police Officer's Pension Fund; and for other purposes. **(Held 5/14/08 at the request of the Department of Finance to address concerns with Exhibits "A" & "B" and other information.)**
- 08-O-0822 (15) An Ordinance by Councilmember Felicia A. Moore to provide for the issuance and sale of Tax Allocation Bonds (Perry Bolton Project), Series 2008, in the aggregated principal amount not to exceed \$_____ (The "Series 2008 Bonds"), to pay, or to be applied or contributed toward, the payment of redevelopment costs associated with the projects identified on Schedule 1 hereto (The "2008 Projects"); to authorize paying expenses incident to accomplishing the foregoing; to authorize the execution of an Indentured Trust, a Bond Placement Agreement, Separate Development Agreements with the Developers of each of the 2008 Projects Limited Offering Memorandum and Final Limited Offering Memorandum; to clarify the intent of the initial resolution (as defined herein) with respect to the termination of the Perry Bolton TAD (as defined herein) and for certain other purposes, all connection with the issuance and sale of the foregoing described Series 2008 Bonds. **(Held 4/30/08 per the Committee for additional consideration.)**
- 08-O-0829 (16) An Ordinance by Councilmember Howard Shook to amend the Charter of the City of Atlanta, Georgia adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1 et seq., as amended so as to amend the Charter of the City of Atlanta, Georgia,

G. PAPERS HELD IN COMMITTEE (CONT'D)

1996 (GA Laws P. 4469, et seq.) by amending Article 2, Chapter 3, Section 2-302(c) so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any Ordinance that would result in an increase in taxes, fees, or bond indebtedness; and for other purposes. **(3rd Reading/Final Adoption) (Referred back by Council 7/7/08; Held 7/16/08 per the Committee for further review.)**

08-O-0830 (17) An Ordinance by Councilmember Howard Shook to amend Chapter Two, Article VI, Division 2, Subdivision II, Section 2-351 (Entitled, "Authorization to Issue Commercial Paper.") of the Code of Ordinances of the City of Atlanta, so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any Ordinance that would result in an increase in bond indebtedness; and for other purposes. **(Referred back by Council 7/7/08; Held 7/16/08 per the Committee for further review.)**

08-O-0831 (18) An Ordinance by Councilmember Howard Shook to amend Chapter 146, Division 1, Article II, Section 146-26 (Entitled, "Levy."), Chapter 146, Article II, Section 146-79 (Entitled, "Levied.") and Chapter 146, Article IV, Section 146-113 (Entitled, "Excise Tax Levied; Collection.") of the Code of Ordinances of the City of Atlanta, so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any Ordinance that would result in an increase in taxes; and for other purposes. **(Referred back by Council 7/7/08; Held 7/16/08 per the Committee for further review.)**

08-O-0833 (19) An Ordinance by Councilmember Howard Shook to amend Chapter Two, Article II, Division 2, Subdivision I, Section 2-69 (Entitled, "Quorum; vote required for passage of legislation.") and Chapter Two, Article II, Division 2, Subdivision II, Section 2-96(c) (Entitled, "Presence at Meetings; Voting on Questions.") of the Code of Ordinances of the City of Atlanta, so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any Ordinance that would result in new fees and taxes or an increase in existing taxes, fees, or bond indebtedness; and for other purposes. **(Referred back by Council 7/7/08; Held 7/16/08 per the Committee for further review.)**

G. PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-0834 (20) An Ordinance by Councilmember Howard Shook **as amended by Finance/Executive Committee** to amend Chapter Two, Article II, Division 2, Subdivision II, Section 2-105 (Entitled, "Establishment or Change in Fees for Service; Notice to Public.") of the Code of Ordinances of the City of Atlanta, so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any Ordinance that would result in new fees and an increase in fees; and for other purposes. **(Referred back by Council 7/7/08; Held 7/16/08 per the Committee for further review.)**
- 08-O-1233 (21) An Ordinance by Councilmembers Felicia A. Moore, Carla Smith, Joyce M. Sheperd, H. Lamar Willis, C. T. Martin, Natalyn Archibong, Ivory Lee Young, Jr., Ceasar C. Mitchell, Howard Shook, Clair Muller and Kwanza Hall to require notice in City Contracts regarding the requirements for Legislative Authorization in advance of rendering services or demand for payment; and for other purposes. **(Held 6/11/08 at the request of the Committee to allow Law Department to provide additional information.)**
- 08-O-1545 (22) An Ordinance by Councilmember C. T. Martin to amend the Pension Acts applicable to members of the General Employees Pension Fund of the City of Atlanta, so as to provide for a Retirement Program for employees involuntarily separated to balance the City of Atlanta 2009 and 2010 Fiscal Year Budgets and for reorganization of the workforce; and for other purposes. **(Held 7/30/08 by the Committee to forward to the Pension Board for review.)**
- 08-O-1546 (23) An Ordinance by Councilmembers Felicia A. Moore, Ceasar Mitchell, Clela Winslow, Joyce M. Sheperd, Mary Norwood, C. T. Martin, H. Lamar Willis, Natalyn Archibong, Clair Muller, Jim Maddox, Ivory Lee Young, Jr. and Kwanza Hall to amend the FY 2009 (General Fund) Budget to re-establish the Department of Fire and Rescue Special Operations Squad by transferring appropriations from various non-personnel accounts yet to be determined, to the Department of Fire and Rescue Budget Fund, Department, Account and Organization Number; and for other purposes. **(Held 7/30/08 by the Committee for further review.)**

G. PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1586 (24) An Ordinance by Finance/Executive Committee authorizing a Thirteenth Supplemental Bond Ordinance Supplementing the Restated and Amended Master Bond Ordinance of the City of Atlanta Adopted on March 20, 2000 (99-O-1896), as Amended and Supplemented by the First Supplemental Bond Ordinance of the City of Atlanta Adopted on March 30, 2000 (00-O-0214), the Second Supplemental Bond Ordinance of the City of Atlanta Adopted on October 7, 2002 (02-O-1463), the Amended and Restated Third Supplemental Bond Ordinance of the City of Atlanta Adopted on May 19, 2003 (03-O-0772), the Fourth Supplemental Bond Ordinance of the City of Atlanta Adopted on June 2, 2003 (03-O-0835), the Fifth Supplemental Bond Ordinance of the City of Atlanta Adopted on September 15, 2003 (03-O-1448), the Sixth Supplemental Bond Ordinance of the City of Atlanta Adopted on November 17, 2003 (03-O-1871), the Seventh Supplemental Bond Ordinance of the City of Atlanta Adopted on April 19, 2004 (04-O-0431), and the Eighth Supplemental Bond Ordinance of the City of Atlanta Adopted on October 18, 2004 (04-O-1811), the Ninth Supplemental Bond Ordinance of the City of Atlanta Adopted on October 3, 2005 (05-O-1717), the Tenth Supplemental Bond Ordinance of the City of Atlanta Adopted on April 17, 2006 (06-O-0551), the Eleventh Supplemental Bond Ordinance of the City of Atlanta Adopted on April 17, 2006 (06-O-0552), and the Twelfth Supplemental Bond Ordinance of the City of Atlanta Adopted on February 18, 2008 (08-O-0216), to provide for the issuance of Airport Limited Obligation Bond Anticipation Notes, to provide funds to finance or refinance, in whole or in part on an interim basis, the cost of the Planning, Engineering, Design, Acquisition and Construction of certain improvements to Hartsfield-Jackson Atlanta International Airport, and to pay expenses relating thereto; to authorize and approve the preparation, use and distribution of an official statement in connection with the offer and sale of the Bond Anticipation Notes; to provide for the form of the Bond Anticipation Notes and for the execution of the Bond Anticipation Notes; to provide for the place of payment of the Principal of and Interest on the Bond Anticipation Notes; to amend certain provisions of the Restated and Amended Master Bond Ordinance relating to maintenance of the Debt Service Reserve requirement and conditions for issuance of additional Bonds; and for other purposes. **(Held 9/10/08 at the request of the Department of Finance pending additional information.)**

G. PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1688 (25) An Ordinance by Councilmember Ceasar Mitchell to amend the FY 2009 (General Fund) Budget to reopen and maintain Atlanta Fire Station No. 7 by transferring appropriations from various Consulting, Supply, Travel and other Non-Personnel Accounts yet to be determined to the Department of Fire and Rescue Budget Fund Department Account and Organization Number; and for other purposes. **(Forwarded with no recommendation by Finance/Executive Committee 8/27/08; Referred to Finance/Executive Committee by Full Council 9/2/08; Held 9/10/08 by the Committee for further discussion.)**
- 08-R-1752 (26) A Resolution by Councilmember Mary Norwood establishing a City of Atlanta Taxation and Service Delivery Technical Advisory Committee; and for other purposes. **(Held 9/10/02 per the Committee to check on the status of the Citizens Service Review Commission and for further discussion.)**
- 08-O-2034 (27) An Ordinance by Councilmember Cleta Winslow authorizing the Mayor or her designee to accept a Donation in the amount of _____ from the Atlanta Fire Foundation on behalf of the Atlanta Department of Fire and Rescue to fund the Renovation of Fire Station #7; and for other purposes. **(Held 10/15/08 by the Committee pending a substitute.)**
- 08-R-2108 (28) A Resolution by Finance/Executive Committee authorizing the Mayor or her designee to enter into a Contractual Agreement with Iron Mountain to provide for the Removal of all Records from City Hall East and to store the City's Records in accordance with the various approved retention schedules; said expenses associated with this contract shall be charged to 1001 (General Fund) 200313 (NDP Records Management) 5212001 (Consultant/Professional Services) 1580000; and for other purposes. **(Held 10/29/08 for further review and a substitute with additional information.)**
- 08-O-2135 (29) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin **as substituted by Finance/Executive Committee** to amend Chapter 114 Article IV Division 12 Section 14-379 of the Code of Ordinance of the City of Atlanta so as to provide for Legislative Review for any Reduction in Force by Executive or Legislative Action involving Public Safety and

G. PAPERS HELD IN COMMITTEE (CONT'D)

Court Employees; to waive conflicting ordinances; and for other purposes. **(Held 10/29/08 per direction of the Committee for consideration at a later Committee Meeting; Substituted and held 11/12/08.)**

08-O-2257 (30) An Ordinance by Councilmember C. T. Martin to amend Article "V" Classification Plan, Section 114-477, of the Code of Ordinances, City of Atlanta, Georgia, so as to create a Classification and Position of Economist; and for other purposes. **(Held 11/12/08 per Committee for discussion by CFO with the author and for further review.)**

08-R-2289 (31) A Resolution by Finance/Executive Committee authorizing the Mayor or her designee to enter into a Cooperative Purchasing Agreement pursuant to Section 2-1601 et seq. of the City of Atlanta Code of Ordinances, utilizing GSA Contract GS-35F-0009T with Oracle USA, Inc., for the purchase of Consulting and Professional Services to implement the Oracle Human Resources Self-Service Module on behalf of the Department of Information Technology in an amount not to exceed \$279,666.00; all contracted work shall be charged to and paid from 1001 (General Fund) 050202 (IT Applications) 5213001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information System); and for other purposes. **(Held 11/24/08 on request of the Department for further review and discussion between the Dept. of Information Technology and the Dept. of Human Resources.)**

08-O-2316 (32) An Ordinance by Councilmembers C. T. Martin and Jim Maddox amending the 2008/2009 (General Fund) Non-Departmental Budget in the amount of \$55,000.00 by transferring funds from account _____ to the Judicial Agencies-Court Operations Salary Accounts; and for other purposes. **(Held 11/24/08 per the Committee for additional consideration.)**

H. ITEM(S) NOT ON THE AGENDA

I. ADJOURNMENT

AN ORDINANCE BY

08-O-___

FINANCE/ EXECUTIVE COMMITTEE

FOURTEENTH SUPPLEMENTAL BOND ORDINANCE

AN ORDINANCE SUPPLEMENTING THE RESTATED AND AMENDED MASTER BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON MARCH 20, 2000 (99-O-1896), AS PREVIOUSLY AMENDED AND SUPPLEMENTED, PARTICULARLY AS SUPPLEMENTED SPECIFICALLY BY THAT CERTAIN AMENDED AND RESTATED THIRD SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON MAY 19, 2003 PROVIDING FOR, AMONG OTHER THINGS, THE ISSUANCE AND DELIVERY OF THE CITY OF ATLANTA VARIABLE RATE AIRPORT GENERAL REVENUE REFUNDING BONDS SERIES 2003RF-B AND THE CITY OF ATLANTA VARIABLE RATE AIRPORT GENERAL REVENUE REFUNDING BONDS SERIES 2003RF-C; TO AUTHORIZE THE CANCELLATION OF THE EXISTING MBIA FINANCIAL GUARANTY INSURANCE POLICY INSURING SAID SERIES 2003RF BONDS AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CANCELLATION AGREEMENT; TO AUTHORIZE THE ACCEPTANCE BY THE CITY OF A COMMITMENT TO ISSUE A FINANCIAL GUARANTY INSURANCE POLICY FROM ASSURED GUARANTY CORP. AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF AN INSURANCE AND INDEMNITY AGREEMENT; TO PROVIDE FOR A REVISED FORM OF SAID SERIES 2003RF BONDS AND FOR THE EXECUTION OF SAID SERIES 2003RF BONDS; TO APPROVE THE FORM AND AUTHORIZE THE EXECUTION OF AMENDMENTS TO STANDBY BOND PURCHASE AGREEMENTS BETWEEN THE CITY AND THE BANKS PROVIDING LIQUIDITY SUPPORT FOR SAID SERIES 2003RF BONDS; TO AUTHORIZE THE TERMINATION OF THE INTEREST RATE EXCHANGE AGREEMENTS BETWEEN THE CITY AND CERTAIN COUNTERPARTIES IN CONNECTION WITH SAID SERIES 2003RF BONDS AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF SUCH OTHER INSTRUMENTS AND DOCUMENTS NECESSARY OR DESIRED IN CONNECTION WITH THE TERMINATION OF SUCH INTEREST RATE EXCHANGE AGREEMENTS; GRANTING THE MAYOR THE AUTHORITY TO APPROVE AND EXECUTE SUCH OTHER INSTRUMENTS AND DOCUMENTS NECESSARY OR DESIRED IN CONNECTION WITH THE CANCELLATION OF THE MBIA FINANCIAL GUARANTY INSURANCE POLICY AND THE SUBSTITUTION OF THE FINANCIAL GUARANTY INSURANCE POLICY FROM ASSURED GUARANTY CORP. AND PROVIDING FOR INCIDENTAL ACTION; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE CANCELLATION OF THE MBIA FINANCIAL GUARANTY INSURANCE POLICY AND THE SUBSTITUTION OF THE FINANCIAL GUARANTY INSURANCE POLICY FROM ASSURED

**GUARANTY CORP.; PROVIDING CERTAIN OTHER DETAILS WITH
RESPECT THERETO; PROVIDING FOR SEVERABILITY; PROVIDING AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

AN ORDINANCE
BY FINANCE/ EXECUTIVE COMMITTEE

08-O-

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SOURCE SELECTION PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REMIT PAYMENT FOR ALL OUTSTANDING INVOICES TO INTERNATIONAL SYSTEMS STRATEGIES INCORPORATED IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00) FOR TELECOMMUNICATIONS AUDITING SOFTWARE AND SERVICES, ALL FUNDS TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBERS 1001 (GENERAL FUND) 050209 (IT TELECOMMUNICATIONS) 5232001 (TELEPHONE EXPENSE) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS) TO RATIFY THE PRIOR PROVISION OF GOODS AND SERVICES TO THE CITY BY INTERNATIONAL SYSTEMS STRATEGIES INCORPORATED; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into an agreement with International Systems Strategies, Incorporated ("ISS") for FC-6006007926, to provide telecommunications auditing software and services for the City of Atlanta Department of Information Technology for a period of nine (9) months; and

WHEREAS, the term of the ISS telecommunications auditing services expired on May 31st, 2008, and ISS has continued to provide telecommunications auditing services satisfactorily thereafter; and

WHEREAS, the Chief Information Officer desires to ratify the prior provision of the ISS telecommunications auditing services under the expired agreement, from June 1st, 2008, through November 30th, 2008; and

WHEREAS, the Chief Information Officer further desires to have payment issued to ISS for unpaid invoices, in an amount not to exceed Sixty Thousand Dollars (\$60,000.00), to be charged to and paid from Fund, Department, Organization, and Account number 1001 (General Fund) 050109 (IT Telecommunications) 5232001 (Telephone Expense) 1535000 (Data Processing/Management Information Systems).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the City's actions in accepting and paying for services provided by ISS from June 1st, 2008, through the date of this legislation are ratified and confirmed, and the Chief Financial Officer is authorized to remit payment to ISS for unpaid invoices incurred through November 30th, 2008, in an amount not to exceed Sixty Thousand Dollars (\$60,000.00), to be charged to and paid from Fund, Department, Organization,

and Account number 1001 (General Fund) 050109 (IT Telecommunications) 5232001 (Telephone Expense) 1535000 (Data Processing/Management Information Systems).

SECTION 2: That Chapter 2, Article X of the City of Atlanta's Code of Ordinances is hereby waived to the extent that such applies to the authorization of payment for services rendered by ISS.

SECTION 3: That all Ordinances or parts of Ordinances in conflict with this Ordinance are waived for this instance only.

Invoice

Invoice Number:
280722

Invoice Date:
8/12/08

Page: 1

Remit To: International System Strategies, Inc. (ISS)
2859 Paces Ferry Road
Suite 2135
Atlanta, GA 30339
Tel: 770-434-5017
<http://www.iss2.com>

Sold To: City of Atlanta - DIT
55 Trinity Avenue, Suite G700
Dept of IT, Ken Dawson
Atlanta, GA 30303
USA

Customer ID: City of Atlanta - DI

Customer PO	Payment Terms	Sales Rep ID	Due Date
2007210471	Net 30 Days		9/11/08

Description	Unit Price	Quantity	Amount
Monthly Bill Genie subscription fee for July 2008	12,000.00	1.00	12,000.00

Subtotal	12,000.00
Sales Tax	
Total Invoice Amount	12,000.00
Payment Received	
TOTAL	12,000.00

Check No:



Invoice

Invoice Number:
280820

Invoice Date:
9/8/08

Page: 1

Remit To: International System Strategies, Inc. (ISS)
2859 Paces Ferry Road
Suite 2135
Atlanta, GA 30339
Tel: 770-434-5017
<http://www.iss2.com>

Sold To: City of Atlanta - DIT
55 Trinity Avenue, Suite G700
Dept of IT, Ken Dawson
Atlanta, GA 30303
USA

Customer ID: City of Atlanta - DI

Customer PO	Payment Terms	Sales Rep ID	Due Date
2007210471	Net 30 Days		10/8/08

Description	Unit Price	Quantity	Amount
Aug 2008 Monthly subscription - Bill Genie; 1st \$500,000	12,000.00	1.00	12,000.00

Check No:

Subtotal	12,000.00
Sales Tax	
Total Invoice Amount	12,000.00
Payment Received	
TOTAL	12,000.00

Invoice

Invoice Number:
289956

Invoice Date:
10/7/08

Page: 1

Remit To: International System Strategies, Inc. (ISS)
2859 Paces Ferry Road
Suite 2135
Atlanta, GA 30339
Tel: 770-434-5017
<http://www.iss2.com>

Sold To: City of Atlanta - DIT
55 Trinity Avenue, Suite G700
Dept of IT, Ken Dawson
Atlanta, GA 30303
USA

Customer ID: City of Atlanta - DI

Customer PO	Payment Terms	Sales Rep ID	Due Date
2007210471	Net 30 Days		11/6/08

Description	Unit Price	Quantity	Amount
September 2008 Bill Genie monthly subscription service (BASE billing of \$500,000)	12,000.00	1.00	12,000.00

Subtotal	12,000.00
Sales Tax	
Total Invoice Amount	12,000.00
Payment Received	
TOTAL	12,000.00

Check No:

Invoice

Invoice Number:
289970

Invoice Date:
10/29/08

Page:
1

Remit To: International System Strategies, Inc. (ISS)
2859 Paces Ferry Road
Suite 2135
Atlanta, GA 30339
Tel: 770-434-5017
<http://www.iss2.com>

Sold To: City of Atlanta - DIT
55 Trinity Avenue, Suite G700
Dept of IT, Ken Dawson
Atlanta, GA 30303
USA

Customer ID: City of Atlanta - DI

Customer PO	Payment Terms	Sales Rep ID	Due Date
2007210471	Net 30 Days		11/28/08

Description	Unit Price	Quantity	Amount
BillGenie October 2008 monthly service fee - 1st \$500,000	12,000.00	1.00	12,000.00

Check No:

Subtotal	12,000.00
Sales Tax	
Total Invoice Amount	12,000.00
Payment Received	
TOTAL	12,000.00

Legislation Summary

Committee of Purview:

Caption

A resolution authorizing the Mayor to execute an appropriate contractual agreement on behalf of the Department of Information Technology with International Systems Strategies Incorporated in an amount not to exceed sixty thousand dollars and no cents (\$60,000.00). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050209 (IT Telecommunications), 5232001 (Telephone Expense), 1535000 (Data Processing/Management Information Systems).

Council Meeting Date: January 19, 2009

Legislation Title: Resolution authorizing the Chief Financial Officer to remit payment for all outstanding invoices with International Systems Strategies Incorporated for Telecommunications Auditing Software and Services on behalf of the Department of Information Technology in an amount not to exceed sixty thousand dollars and no cents (\$60,000.00). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050209 (IT Telecommunications), 5232001 (Telephone Expense), 1535000 (Data Processing/Management Information Systems).

Requesting Department: Department of Information Technology

Contract Type: N/A

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

**Number of Bids/
Proposals Received:** N/A

Bidders/Proponents: N/A

Justification Statement: N/A

Background: N/A

Fund Account Centers: 1001 (General Fund), 050209 (IT Telecommunications), 5232001 (Telephone Expense), 1535000 (Data Processing/Management Information Systems).

Source of Funds: N/A

Fiscal Impact: N/A

Term of Contract: N/A

Method of Cost Recovery: N/A

Approval:

DOF:

DOL:

Prepared By: Patricia Lowe, Buyer

Contact Number: 404.330.6583

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: FINANCE/EXECUTIVE

Caption:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SOURCE SELECTION PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REMIT PAYMENT FOR ALL OUTSTANDING INVOICES TO INTERNATIONAL SYSTEMS STRATEGIES INCORPORATED IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00) FOR TELECOMMUNICATIONS AUDITING SOFTWARE AND SERVICES, ALL FUNDS TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBERS 1001 (GENERAL FUND) 050209 (IT TELECOMMUNICATIONS) 5232001 (TELEPHONE EXPENSE) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS) TO RATIFY THE PRIOR PROVISION OF GOODS AND SERVICES TO THE CITY BY INTERNATIONAL SYSTEMS STRATEGIES INCORPORATED; AND FOR OTHER PURPOSES.

Council Meeting Date: January 19, 2009

Requesting Dept.: Information Technology

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

DIT desires to ratify the prior provision of the ISS telecommunications auditing services under the expired agreement, from June 1st, 2008, through November 30th, 2008, and pay outstanding invoices.

2. Please provide background information regarding this legislation.

DIT entered into an agreement with International Systems Strategies, Incorporated ("ISS") for FC-6006007926, to provide telecommunications auditing software and services for the City of Atlanta Department of Information Technology for a period of nine (9) months. The term of the ISS telecommunications auditing services expired on May 31st, 2008, and ISS has continued to provide telecommunications auditing services satisfactorily thereafter.

3. If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc): Goods and Services

(b) Source Selection: Competitive Bid

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract: 9 months

4. Fund Account Center: 1001 (General Fund) 050109 (IT Telecommunications) 5232001 (Telephone Expense) 1535000 (Data Processing/Management Information Systems).

5. Source of Funds:

6. Fiscal Impact: \$60,000.00

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Kathleen Lane, DIT Compliance Analyst

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Kathleen Lane

Contact Number: 404-335-1983

Originating Department: Department of Information Technology

Committee(s) of Purview: Finance/Executive Committee

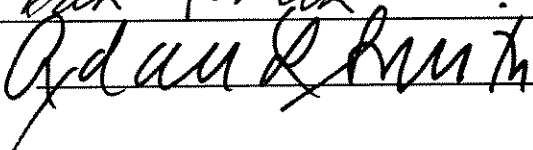
Chief of Staff Deadline: November 26, 2008

Anticipated Committee Meeting Date(s): December 9th, 2008 & January 14th, 2009

Anticipated Full Council Date: January 19th, 2009

Legislative Counsel's Signature: 

Commissioner Signature: 

Chief Procurement Officer Signature: 

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SOURCE SELECTION PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REMIT PAYMENT FOR ALL OUTSTANDING INVOICES TO INTERNATIONAL SYSTEMS STRATEGIES INCORPORATED IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00) FOR TELECOMMUNICATIONS AUDITING SOFTWARE AND SERVICES, ALL FUNDS TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBERS 1001 (GENERAL FUND) 050209 (IT TELECOMMUNICATIONS) 5232001 (TELEPHONE EXPENSE) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS) TO RATIFY THE PRIOR PROVISION OF GOODS AND SERVICES TO THE CITY BY INTERNATIONAL SYSTEMS STRATEGIES INCORPORATED; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11.25.08 Reviewed by: 11/26/08
(date) (date)

Submitted to Council: _____

**AN ORDINANCE
BY FINANCE/ EXECUTIVE COMMITTEE**

08-O-

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SOURCE SELECTION PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REMIT PAYMENT FOR ALL OUTSTANDING INVOICES TO KRONOS INCORPORATED IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-ONE THOUSAND, FOUR HUNDRED EIGHTY-FOUR DOLLARS AND ONE CENT (\$131,484.01) FOR HARDWARE AND SOFTWARE MAINTENANCE AND SUPPORT FOR THE TIME AND ATTENDANCE SYSTEM ALL FUNDS TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBERS 1001 (GENERAL FUND) 050102 (IT ADMINISTRATION) 5311001 (SUPPLIES, CONSUMABLE) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS) AND 1001 (GENERAL FUND) 050202 (IT APPLICATIONS) 5424004 (SOFTWARE (\$5,000+)) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS) TO RATIFY THE PRIOR PROVISION OF GOODS AND SERVICES TO THE CITY BY KRONOS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into a cooperative purchase of hardware and a license agreement utilizing GSA Schedule GS-35F-0330J with Immix Technology for implementation of a Kronos Incorporated ("Kronos"), Time and Attendance system, maintenance and support (authorized by the Atlanta City Council Resolution number 04-R-1020) beginning June, 2004; and

WHEREAS, in the intervening period, Immix Technology completed the implementation services and Kronos continued to provide the hardware and software maintenance and support from April 28, 2005 through April 27, 2008; and

WHEREAS, the term of the Kronos Hardware and Software Maintenance and Support agreement expired on April 27, 2008, and Kronos has continued to provide maintenance and support satisfactorily thereafter; and

WHEREAS, the Chief Information Officer desires to ratify the prior provision of the Kronos Time and Attendance Hardware and Software Maintenance and Support under the expired agreement, from April 28th, 2008, through the present, and to renew the maintenance and support agreement for one year effective April 28th, 2008, through April 27th 2009; and

WHEREAS, the Chief Procurement Officer and the Chief Information Officer have determined that it is in the City's best interests to continue the City's contractual relationship with Kronos under the same terms and conditions currently governing the parties in the Kronos Support Agreement; and

WHEREAS, the Chief Information Officer further desires to have payment issued to Kronos for unpaid invoices, in an amount not to exceed One Hundred Thirty-One Thousand, Four Hundred Eighty-Four Dollars and One Cent (\$131,484.01), to be charged to and paid from Fund, Department, Organization, and Account Numbers 1001 (General Fund) 050102 (IT Administration) 5311001 (Supplies, Consumable) 1535000 (Data Processing/Management Information Systems) and 1001 (General Fund) 050202 (IT Applications) 5424004 (Software (\$5,000+)) 1535000 (Data Processing/Management Information Systems).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the City's actions in accepting and paying for services provided by Kronos from April 28, 2008, through the date of this legislation are ratified and confirmed, and the Chief Financial Officer is authorized to remit payment to Kronos for unpaid invoices incurred through May 12th, 2008, in an amount not to exceed One Hundred Thirty-One Thousand, Four Hundred Eighty-Four Dollars and One Cent (\$131,484.01), to be charged to and paid from Fund, Department, Organization, and Account Numbers 1001 (General Fund) 050102 (IT Administration) 5311001 (Supplies, Consumable) 1535000 (Data Processing/Management Information Systems) and 1001 (General Fund) 050202 (IT Applications) 5424004 (Software (\$5,000+)) 1535000 (Data Processing/Management Information Systems).

SECTION 2: That the Chief Information Officer is authorized to continue the City's contractual relationship with Kronos for the purpose of any warranty, repair or other claims on the Kronos time and attendance hardware and software.

SECTION 3: That Chapter 2, Article X of the City of Atlanta's Code of Ordinances is hereby waived to the extent that such applies to the authorization of payment for services rendered by Kronos.

SECTION 4: That the Chief Procurement Officer is authorized to prepare the appropriate contractual documents to establish a one-year agreement with Kronos for hardware and software maintenance and support with an effective date of April 28, 2008.

SECTION 5: That all Ordinances or parts of Ordinances in conflict with this Ordinance are waived for this instance only.



Kronos Incorporated
297 Billerica Road
Chelmsford MA 01824
Phone:(978)250-9800 Fax:(978)367-5900

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA
Customer#: 6012596
Contract#: 1074080-R07-JAN-08
Date : 12-MAY-2008
Page : 1 / 12

Payment Terms N30
Customer PO Number

Sales Representative Southeast3
Email Recurring

Bill To CITY OF ATLANTA
55 TRINITY AVE
SUITE 700
ATLANTA GA 30303
United States

Ship To CITY OF ATLANTA
55 TRINITY AVE
SUITE 700
ATLANTA GA 30303
United States

Contact
Email

Product	Product Description	Lic Cnt	Qty	Unit Price (USD)	Unit Tax	Total Service Price(USD)
DEPOTEX-400-500		Depot Exchange Support Service				
8600615-229	480F,512K,W/ENET Start: 28-APR-08 End: 27-APR-09		7	143.98	0.00	1,007.86
8602004-002	4500,FULL,NUM,MAG Start: 28-APR-08 End: 27-APR-09		2	264.34	0.00	528.68
8600615-021	480F,FULL,B/C,512K Start: 28-APR-08 End: 27-APR-09		78	112.49	0.00	8,774.22
8600615-229	480F,512K,W/ENET Start: 28-APR-08 End: 27-APR-09		1	139.66	0.00	139.66
8602000-302	4500,FULL,NUM,MAG,TID Start: 28-APR-08 End: 27-APR-09		5	210.58	0.00	1,052.90
8602000-002	4500,FULL,NUM,MAG Start: 28-APR-08 End: 27-APR-09		4	264.34	0.00	1,057.36
8600615-021	480F,FULL,B/C,512K Start: 28-APR-08 End: 27-APR-09		1	138.44	0.00	138.44
8602000-302	4500,FULL,NUM,MAG,TID Start: 28-APR-08 End: 27-APR-09		5	216.88	0.00	1,084.40
8600615-229	480F,512K,W/ENET Start: 28-APR-08 End: 27-APR-09		3	138.44	0.00	415.32
DEPOTEX-4000		Depot Exchange Support Service				

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA
Customer#: 6012596
Contract#: 1074080-R07-JAN-08
Date : 12-MAY-2008
Page : 2 / 12

Payment Terms N30
Customer PO Number

Sales Representative Southeast3
Email Recurring

Bill To CITY OF ATLANTA
55 TRINITY AVE
SUITE 700
ATLANTA GA 30303
United States

Ship To CITY OF ATLANTA
55 TRINITY AVE
SUITE 700
ATLANTA GA 30303
United States

Contact
Email

Product	Product Description	Lic Cnt	Qty	Unit Price (USD)	Unit Tax	Total Service Price(USD)
DEPOTEX-4000		Depot Exchange Support Service				
8602800-002	4500,FULL,NUM,MAG Start: 24-AUG-08 End: 27-APR-09		1	165.39	0.00	165.39
8602004-001	4500,FULL,NUM,B/C Start: 28-APR-08 End: 27-APR-09		1	239.29	0.00	239.29
8602800-001	4500,FULL,NUM,B/C Start: 28-APR-08 End: 27-APR-09		1	216.30	0.00	216.30
8602800-001	4500,FULL,NUM,B/C Start: 23-SEP-08 End: 27-APR-09		6	134.90	0.00	809.40
8602004-301	4500,FULL,NUM,B/C,TID Start: 28-APR-08 End: 27-APR-09		67	239.29	0.00	16,032.43
8602004-301	4500,FULL,NUM,B/C,TID Start: 28-APR-08 End: 27-APR-09		3	254.18	0.00	762.54
8602004-301	4500,FULL,NUM,B/C,TID Start: 28-APR-08 End: 27-APR-09		2	216.31	0.00	432.62
DEPOTEX-OPT		Depot Exchange Support Service				
8602005-001	KRONOS TOUCH ID FVD W/FER Start: 28-APR-08 End: 27-APR-09		2	48.06	0.00	96.12

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA
Customer#: 6012596
Contract#: 1074080-R07-JAN-08
Date : 12-MAY-2008
Page : 3 / 12

Payment Terms N30
Customer PO Number

Sales Representative Southeast3 Recurring
Email

Bill To CITY OF ATLANTA
55 TRINITY AVE
SUITE 700
ATLANTA GA 30303
United States

Ship To CITY OF ATLANTA
55 TRINITY AVE
SUITE 700
ATLANTA GA 30303
United States

Contact
Email

Product	Product Description	Lic Cnt	Qty	Unit Price (USD)	Unit Tax	Total Service Price(USD)
DEPOTEX-OPT		Depot Exchange Support Service				
8602801-001	TOUCH ID FVM,ROHS		1	0.00	0.00	0.00
Start: 28-APR-08 End: 27-APR-09						
8601183-001	MODEM OPTION 14.4K		1	0.00	0.00	0.00
Start: 28-APR-08 End: 27-APR-09						
8600947-001	OP KIT,ETHERNET BOARD,400		81	31.49	0.00	2,550.69
Start: 28-APR-08 End: 27-APR-09						
8602005-001	KRONOS TOUCH ID FVD W/FER		1	13.77	0.00	13.77
Start: 28-APR-08 End: 27-APR-09						
Subtotal Hardware Service						35,517.39

PLAT-OTHER

Platinum Support Service

8602006-001	TID V2.0 ADM SWKIT(FORV5.		1	172.48	0.00	172.48
Start: 28-APR-08 End: 27-APR-09						
8800065-000	WF CONNECT V5,UNLIM,EMPL	8500	1	15,393.78	0.00	15,393.78
Start: 28-APR-08 End: 27-APR-09						
8800066-000	WF CONNECT V5,UNLIM,I/F	1	1	0.00	0.00	0.00
Start: 28-APR-08 End: 27-APR-09						

PLAT-WFC

Platinum Support Service

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA
 Customer#: 6012596
 Contract#: 1074080-R07-JAN-08
 Date : 12-MAY-2008
 Page : 4 / 12

Payment Terms N30
Customer PO Number

Sales Representative Southeast3 Recurring
Email

Bill To CITY OF ATLANTA
 55 TRINITY AVE
 SUITE 700
 ATLANTA GA 30303
 United States

Ship To CITY OF ATLANTA
 55 TRINITY AVE
 SUITE 700
 ATLANTA GA 30303
 United States

Contact
Email

Product	Product Description	Lic Cnt	Qty	Unit Price (USD)	Unit Tax	Total Service Price(USD)
PLAT-WFC		Platinum Support Service				
8800036-000	WORKFORCE TK V5 Start: 28-APR-08 End: 27-APR-09	7500	1	16,777.04	0.00	16,777.04
8800038-000	WORKFORCE EMPLOYEE V5 Start: 28-APR-08 End: 27-APR-09	100	1	905.51	0.00	905.51
8602377-002	WTT V5.0,DIGITAL T1,16 PO Start: 28-APR-08 End: 27-APR-09		1	2,587.19	0.00	2,587.19
8800038-000	WORKFORCE EMPLOYEE V5 Start: 28-APR-08 End: 27-APR-09	1950	1	9,093.99	0.00	9,093.99
8800036-000	WORKFORCE TK V5 Start: 28-APR-08 End: 27-APR-09	1500	1	12,289.14	0.00	12,289.14
8800038-000	WORKFORCE EMPLOYEE V5 Start: 28-APR-08 End: 27-APR-09	1550	1	2,587.19	0.00	2,587.19
8800036-000	WORKFORCE TK V5 Start: 28-APR-08 End: 27-APR-09	750	1	9,701.94	0.00	9,701.94
8800039-000	WORKFORCE MANAGER V5 Start: 28-APR-08 End: 27-APR-09	100	1	2,651.86	0.00	2,651.86
8800037-000	WORKFORCE ACCRUALS V5 Start: 28-APR-08 End: 27-APR-09	750	1	3,880.79	0.00	3,880.79

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA

Customer#: 6012596

Contract#: 1074080-R07-JAN-08

Date : 12-MAY-2008

Page : 5 / 12

Payment Terms N30
Customer PO Number

Sales Representative Southeast3 Recurring
Email

Bill To CITY OF ATLANTA
55 TRINITY AVE
SUITE 700
ATLANTA GA 30303
United States

Ship To CITY OF ATLANTA
55 TRINITY AVE
SUITE 700
ATLANTA GA 30303
United States

Contact Email

Product	Product Description	Lic Cnt	Qty	Unit Price (USD)	Unit Tax	Total Service Price(USD)
PLAT-WFC	Platinum Support Service					
8800039-000	WORKFORCE MANAGER V5	50	1	5,174.36	0.00	5,174.36
Start: 28-APR-08 End: 27-APR-09						
8800039-000	WORKFORCE MANAGER V5	700	1	11,254.27	0.00	11,254.27
Start: 28-APR-08 End: 27-APR-09						
Subtotal Software Service						92,469.54
Total(USD)						127,986.93

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA
Customer#: 6012596
Contract#: 1074080-R07-JAN-08
Date : 12-MAY-2008
Page : 6 / 12

Payment Terms N30
Customer PO Number

Sales Representative Southeast3 Recurring
Email

Bill To CITY OF ATLANTA
55 TRINITY AVE
SUITE 700
ATLANTA GA 30303
United States

Ship To CITY OF ATLANTA - FISCAL AFFAIRS
675 PONCE DE LEON, 4TH FLR
ATLANTA GA 30308
United States

Contact
Email

Product	Product Description	Lic Cnt	Qty	Unit Price (USD)	Unit Tax	Total Service Price(USD)
DEPOTEX-4000	Depot Exchange Support Service					
8602004-301	4500,FULL,NUM,B/C,TID		4	216.32	0.00	865.28
Start: 28-APR-08 End: 27-APR-09						
Subtotal Hardware Service						865.28
Total(USD)						865.28

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA
Customer#: 6012596
Contract#: 1074080-R07-JAN-08
Date : 12-MAY-2008
Page : 7 / 12

Payment Terms N30
Customer PO Number

Sales Representative
Email

Southeast3 Recurring

Bill To CITY OF ATLANTA - MOTOR TRANSPORT
SERVICES
23 CLAIRE DRIVE SE
ATLANTA GA 30315
United States

Ship To CITY OF ATLANTA - MOTOR TRANSPORT
SERVICES
23 CLAIRE DRIVE SE
ATLANTA GA 30315
United States

Contact
Email

Product	Product Description	Lic Cnt	Qty	Unit Price (USD)	Unit Tax	Total Service Price(USD)
DEPOTEX-4000		Depot Exchange Support Service				
8602800-001	4500,FULL,NUM,B/C Start: 25-JUL-08 End: 27-APR-09		2	172.20	0.00	344.40
8602800-001	4500,FULL,NUM,B/C Start: 28-APR-08 End: 27-APR-09		1	216.30	0.00	216.30
DEPOTEX-OPT		Depot Exchange Support Service				
8602801-001	TOUCH ID FVM,ROHS Start: 25-JUL-08 End: 27-APR-09		2	0.00	0.00	0.00
8602801-001	TOUCH ID FVM,ROHS Start: 28-APR-08 End: 27-APR-09		1	0.00	0.00	0.00
8602801-001	TOUCH ID FVM,ROHS Start: 11-NOV-08 End: 27-APR-09		2	0.00	0.00	0.00
Subtotal Hardware Service						560.70
Total(USD)						560.70

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA
Customer#: 6012596
Contract#: 1074080-R07-JAN-08
Date : 12-MAY-2008
Page : 8 / 12

Payment Terms N30
Customer PO Number

Sales Representative Southeast3 Recurring
Email

Bill To CITY OF ATLANTA - POLICE
DEPARTMENT
675 PONCE DE LEON 4TH FLOOR
ATLANTA GA 30308
United States

Ship To CITY OF ATLANTA - POLICE
DEPARTMENT
675 PONCE DE LEON 4TH FLOOR
ATLANTA GA 30308
United States

Contact
Email

Product	Product Description	Lic Cnt	Qty	Unit Price (USD)	Unit Tax	Total Service Price(USD)
DEPOTEX-4000	Depot Exchange Support Service					
8602004-301	4500,FULL,NUM,B/C,TID		3	216.31	0.00	648.93
Start: 28-APR-08 End: 27-APR-09						
Subtotal Hardware Service						648.93
Total(USD)						648.93

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA
Customer#: 6012596
Contract#: 1074080-R07-JAN-08
Date : 12-MAY-2008
Page : 9 / 12

Payment Terms N30
Customer PO Number

Sales Representative Southeast3 Recurring
Email

Bill To CITY OF ATLANTA BUREAU OF DRINKING
WATER
651 14TH ST
ATLANTA GA 30318
United States

Ship To CITY OF ATLANTA BUREAU OF DRINKING
WATER
651 14TH ST
ATLANTA GA 30318
United States

Contact
Email

Product	Product Description	Lic Cnt	Qty	Unit Price (USD)	Unit Tax	Total Service Price(USD)
DEPOTEX-4000	Depot Exchange Support Service					
8602004-301	4500,FULL,NUM,B/C,TID Start: 28-APR-08 End: 27-APR-09		5	254.18	0.00	1,270.90
Subtotal Hardware Service						1,270.90
Total(USD)						1,270.90

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA
Customer#: 6012596
Contract#: 1074080-R07-JAN-08
Date : 12-MAY-2008
Page : 10 / 12

Payment Terms N30
Customer PO Number

Sales Representative Southeast3 Recurring
Email

Bill To CITY OF ATLANTA- BUREAU OF
BUILDINGS
55 TRINITY AVE SW, SUITE 3900
ATLANTA GA 30303
United States

Ship To CITY OF ATLANTA- BUREAU OF
BUILDINGS
55 TRINITY AVE SW, SUITE 3900
ATLANTA GA 30303
United States

Contact
Email

Product	Product Description	Lic Cnt	Qty	Unit Price (USD)	Unit Tax	Total Service Price(USD)
DEPOTEX-4000	Depot Exchange Support Service					
8602800-001	4500,FULL,NUM,B/C		1	151.27	0.00	151.27
Start: 28-AUG-08 End: 27-APR-09						
Subtotal Hardware Service						151.27
Total(USD)						151.27

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA
Customer#: 6012596
Contract#: 1074080-R07-JAN-08
Date : 12-MAY-2008
Page : 11 / 12

Payment Terms N30
Customer PO Number

Sales Representative Southeast3 Recurring
Email

Bill To HARTSFIELD INTL AIRPORT
P O BOX 20509
ATLANTA GA 30320
United States

Ship To CITY OF ATLANTA - DEPT OF AVIATION
1300 INNER LOOP ROAD
PO BOX 20509
ATLANTA GA 30320
United States

Contact
Email

Product	Product Description	Lic Cnt	Qty	Unit Price (USD)	Unit Tax	Total Service Price(USD)
DEPOTEX-OPT	Depot Exchange Support Service					
8602801-001	TOUCH ID FVM,ROHS Start: 24-AUG-08 End: 27-APR-09		1	0.00	0.00	0.00
Subtotal Hardware Service						0.00
Total(USD)						0.00
Grand Total(USD)						131,484.01

Notes :

THESE SERVICES ARE SUBJECT TO APPLICABLE TAXES.THE TAX AMOUNT SHOWN ON THIS QUOTE IS ONLY AN ESTIMATE.THE ACTUAL TAX AMOUNT TO BE PAID BY CUSTOMER WILL BE SHOWN ON CUSTOMER'S INVOICE.

SERVICE RENEWAL QUOTE

Customer : CITY OF ATLANTA
Customer#: 6012596
Contract#: 1074080-R07-JAN-08
Date : 12-MAY-2008
Page : 12 / 12

Approved By

Date

Kronos Authorized Signature

Customer Approved Signature

Legislation Summary

Committee of Purview:

Caption

A resolution authorizing the Mayor to execute an appropriate contractual agreement on behalf of the Department of Information Technology with Kronos Incorporated in an amount not to exceed one hundred thirty one thousand four hundred eighty four dollars and one cent (\$131,484.01). All contract work shall be charged to and paid from fund account and center numbers: 1001 (General Fund), 050102 (IT Administration), 5311001 (Supplies, Consumable), 1535000 (Data Processing/Management Information Systems) and 1001 (General Fund), 050202 (IT Applications), 5424004 (Software (\$5,000+)), 1535000 (Data Processing/Management Information Systems).

Council Meeting Date: January 19, 2009

Legislation Title: Resolution authorizing the Chief Financial Officer to remit payment for all outstanding invoices with Kronos Incorporated for the Hardware and Software Maintenance and Support for the Time and Attendance System on behalf of the Department of Information Technology in an amount not to exceed one hundred thirty one thousand four hundred eighty four dollars and one cent (\$131,484.01). All contract work shall be charged to and paid from fund account and center numbers: 1001 (General Fund), 050102 (IT Administration), 5311001 (Supplies, Consumable), 1535000 (Data Processing/Management Information Systems) and 1001 (General Fund), 050202 (IT Applications), 5424004 (Software (\$5,000+)), 1535000 (Data Processing/Management Information Systems).

Requesting Department: Department of Information Technology

Contract Type: N/A

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

**Number of Bids/
Proposals Received:** N/A

Bidders/Proponents: N/A

Justification Statement: N/A

Background: N/A

Fund Account Centers: 1001 (General Fund), 050102 (IT Administration), 5311001 (Supplies, Consumable), 1535000 (Data Processing/Management Information Systems) and 1001 (General Fund), 050202 (IT Applications), 5424004 (Software (\$5,000+)), 1535000 (Data Processing/Management Information Systems).

Source of Funds: N/A

Fiscal Impact: N/A

Term of Contract: N/A

Method of Cost Recovery: N/A

Approval:

DOF:

DOL:

Prepared By: Patricia Lowe, Buyer

Contact Number: 404.330.6583

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: FINANCE/EXECUTIVE

Caption:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SOURCE SELECTION PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REMIT PAYMENT FOR ALL OUTSTANDING INVOICES TO KRONOS INCORPORATED IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-ONE THOUSAND, FOUR HUNDRED EIGHTY-FOUR DOLLARS AND ONE CENT (\$131,484.01) FOR HARDWARE AND SOFTWARE MAINTENANCE AND SUPPORT FOR THE TIME AND ATTENDANCE SYSTEM ALL FUNDS TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBERS 1001 (GENERAL FUND) 050102 (IT ADMINISTRATION) 5311001 (SUPPLIES, CONSUMABLE) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS) AND 1001 (GENERAL FUND) 050202 (IT APPLICATIONS) 5424004 (SOFTWARE (\$5,000+)) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS) TO RATIFY THE PRIOR PROVISION OF GOODS AND SERVICES TO THE CITY BY KRONOS; AND FOR OTHER PURPOSES.

Council Meeting Date: January 19, 2009

Requesting Dept.: Information Technology

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

DIT desires to ratify the prior provision of the Kronos Time and Attendance Hardware and Software Maintenance and Support under the expired agreement, from April 28th, 2008, through the present, and to renew the maintenance and support agreement for one year effective April 28th, 2008, through April 27th 2009

2. Please provide background information regarding this legislation.

The City of Atlanta ("City") entered into a cooperative purchase of hardware and a license agreement utilizing GSA Schedule GS-35F-0330J with Immix Technology for implementation of the Kronos Time and Attendance system, (authorized by the Atlanta City Council Resolution number 04-R-1020) beginning June, 2004. Immix Technology completed the implementation services and

Kronos continued to provide the hardware and software maintenance and support from April 28, 2005 through April 27, 2008. The term of the Kronos Hardware and Software Maintenance and Support agreement expired on April 27, 2008, and Kronos has continued to provide maintenance and support satisfactorily thereafter; and

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Goods and Services

(b) **Source Selection:** Cooperative Purchase

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) **Number of Bids:**

(f) **Proposals Received:**

(g) **Bidders/Proponents:**

(h) **Term of Contract:** 1 year

4. Fund Account Center: 1001 (General Fund) 050102 (IT Administration) 5311001 (Supplies, Consumable) 1535000 (Data Processing/Management Information Systems) and 1001 (General Fund) 050202 (IT Applications) 5424004 (Software (\$5,000+)) 1535000 (Data Processing/Management Information Systems)

5. Source of Funds:

6. Fiscal Impact: \$131,484.01

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Kathleen Lane, DIT Compliance Analyst

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Kathleen Lane

Contact Number: 404-335-1983

Originating Department: Department of Information Technology

Committee(s) of Purview: Finance/Executive Committee

Chief of Staff Deadline: November 26, 2008

Anticipated Committee Meeting Date(s): December 9th, 2008 & January 14th, 2009

Anticipated Full Council Date: January 19th, 2009

Legislative Counsel's Signature: *[Signature]*

Commissioner Signature: *Bar Smith*

Chief Procurement Officer Signature: *[Signature]*

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SOURCE SELECTION PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REMIT PAYMENT FOR ALL OUTSTANDING INVOICES TO KRONOS INCORPORATED IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-ONE THOUSAND, FOUR HUNDRED EIGHTY-FOUR DOLLARS AND ONE CENT (\$131,484.01) FOR HARDWARE AND SOFTWARE MAINTENANCE AND SUPPORT FOR THE TIME AND ATTENDANCE SYSTEM ALL FUNDS TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBERS 1001 (GENERAL FUND) 050102 (IT ADMINISTRATION) 5311001 (SUPPLIES, CONSUMABLE) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS) AND 1001 (GENERAL FUND) 050202 (IT APPLICATIONS) 5424004 (SOFTWARE (\$5,000+)) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS) TO RATIFY THE PRIOR PROVISION OF GOODS AND SERVICES TO THE CITY BY KRONOS; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11.25.08 Reviewed by: 11/26/08 A P
(date) (date)

Submitted to Council: _____

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

08- 0 -2291

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE APPLICATION OF THE ATLANTA CITY CODE, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, AND AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE RENEWAL AGREEMENT WITH ORACLE USA INC., FOR THE ORACLE RAC SOFTWARE LICENSES AND SUPPORT FOR THE ERP APPLICATION, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED FIFTY- SIX THOUSAND, FOUR HUNDRED FORTY-SIX DOLLARS AND FORTY-TWO CENTS (\$56,446.42); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 1001(GENERAL FUND) 050202 (IT APPLICATIONS) 5410001 (CONSULTANT/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM); AND FOR OTHER PURPOSES.

WHEREAS, the Oracle Enterprise Resource Planning ("ERP") system is a proprietary system comprised of several software modules developed by Oracle USA, Inc. ("Oracle"); and

WHEREAS, Oracle, as the owner of the source code and other intellectual property embedded in the ERP system, has the unique expertise and capabilities to support Oracle software licenses; and

WHEREAS, the City of Atlanta ("City") entered into a cooperative purchase of a multi-year license agreement (#2016306) utilizing GSA Schedule GS-35F-0009T with Oracle USA Inc. for Oracle RAC software licenses and support for the ERP Project (authorized by the Atlanta City Council Resolution number 06-R-0828) beginning May, 2006; and

WHEREAS, the term of the RAC software licenses and support agreement expired on May 29, 2008, and Oracle has continued to provide access to the software and support satisfactorily since the project began; and

WHEREAS, the Chief Information Officer desires to ratify the prior provision of the RAC software access and support under the expired agreement, from May 30th , 2008, through the present, and to renew the RAC software licenses and support agreement for one year effective May 30th , 2008, through May 29th 2009; and

WHEREAS, the Chief Information Officer and the Chief Procurement Officer recommend the execution of the Oracle RAC software license and support agreement # 2016306 for the ERP Project in an amount not to exceed Fifty-Six

Thousand, Four Hundred Forty-Six Dollars and Forty-Two Cents (\$56,446.42) for one year from, May 29th, 2008, the date of expiration.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That Chapter 2, Article x of the City of Atlanta's Code of Ordinances is hereby waived to the extent that such prohibits payment for goods and services rendered by Oracle USA Inc. to the City, and that the City's actions in accepting services provided by Oracle USA Inc. for the Oracle RAC software license and support agreement # 2016306 for the ERP Project after the agreement expired, are ratified and confirmed.

SECTION 2: That the Chief Procurement Officer is authorized to execute a renewal of the Oracle RAC software license and support agreement # 2016306 for the ERP Project under the same terms and conditions as authorized by City Council in 06-R-0828 and the Chief Financial Officer is authorized to remit payment to Oracle USA Inc. for the period beginning on May 30, 2008, for which ratification is granted in this Ordinance, through the remainder of the renewal period ending May 29, 2009, in an amount not to exceed Fifty-Six Thousand, Four Hundred Forty-Six Dollars and Forty-Two Cents (\$56,446.42) to be charged to and paid from Fund, Department Organization and Account number 1001 (General Fund) 050202 (IT Applications) 5410001 (Consulting/Professional Services) 1535000 (Data Processing/ Management Information Systems)

SECTION 3: That the application of Section 2-1205 (a) of the Procurement and Real Estate Code is waived to permit a contract clause to allow automatic renewal of the Oracle RAC software license and support agreement # 2016306 for the ERP Project, beginning on May 30, 2009, subject to termination for non-appropriation of funds or other contractual termination provisions.

SECTION 4: That the Chief Procurement Officer is directed to prepare an appropriate renewal Agreement for execution by the parties.

SECTION 5: That the renewal Agreement will not become binding on the City, and the City will incur no obligation or liability under it until it has been executed by the Chief Procurement Officer, approved as to form by the City Attorney, and delivered to Oracle USA Inc.

SECTION 6: That all Ordinances or parts of Ordinances in conflict with this Ordinance are waived for this instance only.

RCS# 2605
12/01/08
2:46 PM

Atlanta City Council

SPECIAL SESSION

CONSENT II

REFER

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II

Legislation Summary

Committee of Purview:

Caption

A resolution authorizing the Mayor to execute an appropriate contractual agreement on behalf of the Department of Information Technology with Oracle USA, Inc. in an amount not to exceed fifty six thousand four hundred forty six dollars and forty two cents (\$56,446.42). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050202 (IT Applications), 5410001 (Consultant/Professional Services), 1535000 (Data Processing/Management Information System).

Council Meeting Date: January 05, 2009

Legislation Title: Resolution authorizing the Chief Procurement Officer to enter into an Appropriate Renewal Agreement with Oracle USA, Inc. utilizing the Federal GSA Contract #GS-35F-0009T for the Oracle Database Software Licenses and Support for the ERP Application on behalf of the Department of Information Technology in an amount not to exceed fifty six thousand four hundred forty six dollars and forty two cents (\$56,446.42). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050202 (IT Applications), 5410001 (Consultant/Professional Services), 1535000 (Data Processing/Management Information System).

Requesting Department: Department of Information Technology

Contract Type: N/A

Source Selection: Federal GSA Contract #GS-35F-0009T

Bids/Proposals Due: N/A

Invitations Issued: N/A

**Number of Bids/
Proposals Received:** N/A

Bidders/Proponents: N/A

Justification Statement: N/A

Background: N/A

Fund Account Centers: 1001 (General Fund), 050202 (IT Applications),
5410001 (Consultant/Professional Services),
1535000 (Data Processing/Management
Information System).

Source of Funds: N/A

Fiscal Impact: N/A

Term of Contract: N/A

Method of Cost Recovery: N/A

Approval:

DOF:

DOL:

Prepared By: Patricia Lowe, Buyer

Contact Number: 404.330.6583

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: FINANCE/EXECUTIVE

Caption:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE APPLICATION OF THE ATLANTA CITY CODE, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, AND AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE RENEWAL AGREEMENT WITH ORACLE USA INC., FOR THE ORACLE RAC SOFTWARE LICENSES AND SUPPORT FOR THE ERP APPLICATION, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED FIFTY- SIX THOUSAND, FOUR HUNDRED FORTY-SIX DOLLARS AND FORTY-TWO CENTS (\$56,446.42); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 1001(GENERAL FUND) 050202 (IT APPLICATIONS) 5410001 (CONSULTANT/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM); AND FOR OTHER PURPOSES.

Council Meeting Date: January 5, 2009

Requesting Dept.: Information Technology

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

DIT desires to ratify the prior provision of the RAC software licenses and support under the expired agreement, from May 30th, 2008 through the present, and to renew the RAC software licenses and support agreement for one year effective May 30th, 2008, through May 29th 2009.

2. Please provide background information regarding this legislation.

The City of Atlanta ("City") entered into a cooperative purchase of a multi-year license agreement (#2016306) utilizing GSA Schedule GS-35F-0009T with Oracle USA Inc. for Oracle RAC software licenses and support for the ERP Project (authorized by the Atlanta City Council Resolution number 06-R-0828) beginning May, 2006; and the term of the RAC software licenses and support agreement expired on May 29, 2008. Oracle has continued to provide software licenses and support satisfactorily.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Software & Support
- (b) **Source Selection:** Cooperative Purchase
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:** 1 year

4. Fund Account Center: 1001 (General Fund) 050202 (IT Applications) 5410001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information System)

5. Source of Funds:

6. Fiscal Impact: \$56,446.42

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Kathleen Lane, DIT Compliance Analyst



CITY OF ATLANTA

SUITE G700A
55 TRINITY AVENUE, SW
ATLANTA, GA 30303
(404) 330 - 6110

Internet Home Page: www.atlantaga.gov

Shirley Franklin
Mayor

Dan Smith
Chief Information Officer
Department of Information Technology

MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer
Department of Procurement

FROM: Dan Smith, Chief Information Officer
Department of Information Technology

RE: **Sole Source for Oracle USA Inc. for Support of DB and RAC Software**

DATE: October 30, 2008

Please approve Oracle USA Inc. for the above-referenced service per the request of the Chief Information Officer

Resolution 05-R-0495 authorized Oracle USA Inc. to provide Data Base software licenses and support in March 2005.

The software identified by Oracle Contracts # 2016306, 2118646 & 2373242 were also purchased off the GA State Agreement #980-020-110165. Oracle USA Inc. is the original manufacture of the database software and is best qualified to provide support.

If you should need further assistance, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "Dan Smith", with a stylized flourish at the end.

DS/kdl

cc: Mr. David A. Chapman, DCPO
Ms. Mimie L. Woods, CO for DPRCA



1910 Oracle Way
Reston, VA 20190

October 31, 2008

City of Atlanta
Lisa Scheidt
55 Trinity Avenue, SW Suite G700
Atlanta, GA 30303

Dear Lisa,

This letter is to confirm that Oracle has the unique expertise and capabilities to support Oracle program licenses. Oracle creates the proprietary program updates that may be provided as part of Oracle's technical support services. As the sole source of technical support services (including the proprietary program updates created by Oracle), Oracle offers the services to Oracle customers for purchase on an annual basis either directly from Oracle or, on limited occasion, indirectly from an Oracle authorized reseller of the services. For more detailed information about Oracle's technical support services, refer to Oracle's technical support policies located at <http://www.oracle.com/support/policies.html>.

Please contact me should you have questions.

Regards,

Sandra Loretto
Support Renewal Representative, Oracle Support Services
Oracle USA, Inc.
1910 Oracle Way
Reston, VA 20190


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[eBuy - quotes](#)
[GSA Advantage - online shopping](#)
[Help](#)

Search:

all the words














C Contractor Information

(Vendors) How to change your company information

Contract #: GS-35F-0009T
Contractor: ORACLE USA, INC.
Address: 500 ORACLE PKWY
REDWOOD CITY, CA 94065-1677
Phone: (703)364-1558
E-Mail: GSAINFO_US@Oracle.com
Web Address: http://www.oracle.com/index.html

Socio-Economic : Other than small business

Govt. Contracting Officer:
REGINA ELLIS
Phone: 703-605-2714
E-Mail: regina.ellis@gsa.gov

Source	Title	Contract Number	Contract Terms & Conditions	Contract End Date	Category		View Items Available
70	GENERAL PURPOSE COMMERCIAL INFORMATION TECHNOLOGY EQUIPMENT, SOFTWARE, AND SERVICES	GS-35F-0009T		Sep 30, 2011	132 3		 GSA Advantage!
					132 32		 GSA Advantage!
					132 33		 GSA Advantage!
					132 34		 GSA Advantage!
					132 51		 GSA Advantage!



15-Oct-08

Lisa Scheidt
CITY OF ATLANTA
DOF/Budget and Fiscal Policy Susan Lovette
68 Mitchell Street Sw
10th Floor/Tower
ATLANTA
GA 30325
United States

Dear Lisa Scheidt,

The technical support services and benefits provided under service contract number 2016306 will expire, or have expired, on 29-May-08. Please find attached an ordering document for the renewal of this service contract. If applicable, the attached ordering document may also include incremental technical support services newly acquired.

To ensure that there is no interruption to the technical support services and benefits provided under service contract number 2016306, please order the technical support services on this ordering document by issuing an acceptable form of payment in accordance with the attached Order Processing Details section on or before 4-Dec-08.

If further information is required, please contact me at the e-mail address or telephone number provided below.

Regards,

Sandra Loretto
Oracle Support Services
E-mail: sandra.loretto@oracle.com
Tel.: +17033642776
Fax: +17033643557



Ordering Document

Service Contract #: 2016306	Renewal Contact: Sandra Loretto
Offer Expires: 4-Dec-08	
Payment Terms: 30 NET from receipt of invoice	Telephone: +17033642776
	Fax: +17033643557
Billing Terms: Quarterly in Arrears in four approximately equal amounts	E-mail: sandra.loretto@oracle.com
CUSTOMER: CITY OF ATLANTA	
QUOTE TO	BILL TO
Account Contact: Lisa Scheidt	Account Contact Accounts Payable
Account Name: CITY OF ATLANTA	Account Name: CITY OF ATLANTA
Address: DOF/Budget and Fiscal Policy Susan Lovette 68 Mitchell Street Sw 10th Floor/Tower ATLANTA GA 30325 United States	Address: Bureau of Management Information Services 55 Trinity Ave Ste G300 ATLANTA GA 30303 United States
Telephone: 404 865-8524	Telephone:
Fax:	Fax:
E-mail: LScheidt@AtlantaGa.Gov	E-mail:

Oracle may provide certain information and notices about technical support via e-mail. Accordingly, please verify and update the Quote To and Bill To information above to ensure that such communications and notices are received from Oracle. If changes are required, please e-mail or fax the updated information to Sandra Loretto at sandra.loretto@oracle.com or +17033643557. Please also include service contract number 2016306 on such reply.

Service Details

Service Level: Software Update License & Support					End Date: 29-May-09	
Product Description	CSI #	Qty	License Metric	License Level / Type	Start Date	Final Price
Real Application Clusters - Processor Perpetual	14836867	16		FULL USE	30-May-08	44,812.42
Subtotal:					USD	44,812.42

Service Level: Reinstatement Fee					End Date: 29-May-09	
Product Description	CSI #	Qty	License Metric	License Level / Type	Start Date	Final Price
Real Application Clusters - Processor Perpetual	14836867	16		FULL USE	30-May-08	11,634.00
Subtotal:					USD	11,634.00
Total Amount:					USD	56,446.42

plus applicable tax

Notes:

1. If any of the fields listed above are blank, the program licenses were acquired under a separate license model in which such field(s) does not apply.
2. If a change to the Service Details provided above is required, please contact Sandra Loretto at +17033642776 or at sandra.loretto@oracle.com and an updated ordering document will be provided to you in accordance with Oracle's technical support policies.
3. This order is being placed in accordance with the Cooperative Purchasing provision of GSA Contract No. GS-35F-0009T.

Order Processing Details

Your order is subject to Oracle's acceptance. An order consists of the following: (i) this ordering document, which incorporates by reference the GSA Contract No. GS-35F-0009T, (ii) an acceptable form of payment and (iii) a tax exemption certificate (if applicable). Oracle normally accepts orders after receipt of a purchase order, check or credit card issued in accordance with the Purchase Order, Check, Credit Card Confirmation section below. If Oracle accepts your order, the service start date is the effective date of such order and also serves as the commencement date of the technical support services.

An invoice will only be issued upon receipt of an acceptable form of payment. Regardless of the form of payment:

- Unless you are an U.S. federal government entity, Oracle's invoice includes applicable sales tax, GST, or VAT (collectively referred to as "tax"). If CITY OF ATLANTA is a tax exempt organization and is not an U.S. federal government entity, a copy of CITY OF ATLANTA's tax exemption certificate must be submitted with CITY OF ATLANTA's purchase order, check or credit card.

PURCHASE ORDER, CHECK, CREDIT CARD CONFIRMATION

Purchase Order

If the technical support services on this ordering document will be purchased by purchase order, the purchase order must include the following information:

- Service Contract #: 2016306
- Term of Service: 30-May-08 to 29-May-09
- Final Total: USD 56,446.42 (excluding applicable tax)
- GSA Contract No.: GS-35F-0009T

In issuing a purchase order, CITY OF ATLANTA agrees and acknowledges that the terms of this ordering document are incorporated into CITY OF ATLANTA's purchase order and that the terms of this ordering document and the GSA Contract No. GS-35F-0009T supersede the purchase order or any other non-Oracle document, and no terms included in any such purchase order or other non-Oracle document shall apply to the technical support services ordered.

Please e-mail or fax the purchase order to Oracle per the Remittance Details provided below.

Check

If the technical support services on this ordering document will be purchased by check, the check must include the following information:

- Service Contract #: 2016306
- Term of Service: 30-May-08 to 29-May-09
- Final Total: USD 56,446.42 (excluding applicable tax)
- GSA Contract No.: GS-35F-0009T

In issuing a check, CITY OF ATLANTA agrees and acknowledges that the terms of this ordering document and the GSA Contract No. GS-35F-0009T shall apply to the technical support services ordered. No terms attached or submitted with the check shall apply.

Please mail check payments per the Remittance Details provided below.

Credit Card Confirmation

If the technical support services on this ordering document will be purchased by credit card, please complete the section below and return it to Oracle per the Remittance Details provided below. Please note that Oracle is unable to process credit card transactions of USD100,000 or greater.

- Service Contract #: 2016306
- Term of Service: 30-May-08 to 29-May-09
- Final Total: USD 56,446.42 (excluding applicable tax)
- GSA Contract No.: GS-35F-0009T

Credit Card Number

Expiration Date

Billing Address (associated with Credit Card)

City, State, and Zip (associated with Credit Card)

Authorized Signature

Name

The credit card must be valid for the entire Term of Service above. In issuing this credit card confirmation, CITY OF ATLANTA agrees and acknowledges that the terms of this ordering document and the GSA Contract No. GS-35F-0009T shall apply to the technical support services ordered. No terms attached or submitted with the credit card confirmation shall apply.

REMITTANCE DETAILS

Purchase orders or credit card confirmation for the technical support services ordered hereto should be sent to:

Attn: Sandra Loretto
Oracle Support Services
Fax: +17033643557
E-mail: sandra.loretto@oracle.com

Checks for the technical support services ordered hereto should be sent to:

AK, AZ, CA, HI, ID, NV, OR, UT, WA:

Oracle USA, Inc.
PO Box 44471
San Francisco, CA 94144-4471

All other States:

Oracle USA, Inc.
PO Box 71028
Chicago, IL 60694-1028

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Kathleen Lane

Contact Number: 404-335-1983

Originating Department: Department of Information Technology

Committee(s) of Purview: Finance/Executive Committee

Chief of Staff Deadline: November 12, 2008

Anticipated Committee Meeting Date(s): November 24, 2008

Anticipated Full Council Date: January 5, 2009

Legislative Counsel's Signature: [Signature]

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: [Signature]

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE APPLICATION OF THE ATLANTA CITY CODE, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, AND AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE RENEWAL AGREEMENT WITH ORACLE USA INC., FOR THE ORACLE RAC SOFTWARE LICENSES AND SUPPORT FOR THE ERP APPLICATION, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED FIFTY- SIX THOUSAND, FOUR HUNDRED FORTY-SIX DOLLARS AND FORTY-TWO CENTS (\$56,446.42); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 1001(GENERAL FUND) 050202 (IT APPLICATIONS) 5410001 (CONSULTANT/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM); AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11.12.08 Reviewed by: AME 11/14/08
(date) (date)

Submitted to Council: _____

2016206

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

08-0 -2292

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE APPLICATION OF THE ATLANTA CITY CODE, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, AND AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE RENEWAL AGREEMENT WITH ORACLE USA INC., FOR THE ORACLE DATABASE SOFTWARE LICENSES AND SUPPORT FOR THE ERP APPLICATION, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND, ONE HUNDRED SEVENTY-NINE DOLLARS AND NINETY-NINE CENTS (\$70,179.99); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 1001(GENERAL FUND) 050202 (IT APPLICATIONS) 5410001 (CONSULTANT/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM); AND FOR OTHER PURPOSES.

WHEREAS, the Oracle Enterprise Resource Planning ("ERP") system is a proprietary system comprised of several software modules developed by Oracle USA, Inc. ("Oracle"); and

WHEREAS, Oracle, as the owner of the source code and other intellectual property embedded in the ERP system, has the unique expertise and capabilities to support Oracle software licenses; and

WHEREAS, the City of Atlanta ("City") entered into a cooperative purchase of a multi-year license agreement (#2118646) utilizing GSA Schedule GS-35F-0009T with Oracle USA Inc. for Oracle Database software licenses and support for the ERP Project (authorized by the Atlanta City Council Resolution number 06-R-0828) beginning April, 2006; and

WHEREAS, the term of the Database software licenses and support agreement expired on April 7, 2008 and Oracle USA Inc. has continued to provide software licenses and support satisfactorily since the project began; and

WHEREAS, the Chief Information Officer desires to ratify the prior provision of the Database software licenses and support under the expired agreement, from April 8 , 2008 through the present, and to renew the Database software licenses and support agreement for one year effective April 8, 2008, through April 7, 2009; and

WHEREAS, the Chief Information Officer and the Chief Procurement Officer recommend the execution of the Oracle Database software license and support agreement # 2118646 for the ERP Project in an amount not to exceed Seventy

Thousand, One Hundred Seventy-Nine Dollars and Ninety-Nine Cents (\$70,179.99) for one year from the date of expiration.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That Chapter 2, Article x of the City of Atlanta's Code of Ordinances is hereby waived to the extent that such prohibits payment for goods and services rendered by Oracle USA Inc. to the City, and that the City's actions in accepting services provided by Oracle USA Inc. for the Oracle Database software license and support agreement # 2118646 for the ERP Project after the agreement expired, are ratified and confirmed.

SECTION 2: That the Chief Procurement Officer is authorized to execute a renewal of the Oracle Database software license and support agreement # 2118646 for the ERP Project under the same terms and conditions as authorized by City Council in 06-R-0828 and the Chief Financial Officer is authorized to remit payment to Oracle USA Inc. for the period beginning on April 8, 2008, for which ratification is granted in this Ordinance, through the remainder of the renewal period ending April 7, 2009, in an amount not to exceed Seventy Thousand, One Hundred Seventy-Nine Dollars and Ninety-Nine Cents (\$70,179.99) to be charged to and paid from Fund, Department Organization and Account number 1001 (General Fund) 050202 (IT Applications) 5410001 (Consulting/Professional Services) 1535000 (Data Processing/ Management Information Systems)

SECTION 3: That the application of Section 2-1205 (a) of the Procurement and Real Estate Code is waived to permit a contract clause to allow automatic renewal of the Oracle Database software license and support agreement # 2118646 for the ERP Project, beginning on April 8, 2009, subject to termination for non-appropriation of funds or other contractual termination provisions.

SECTION 4: That the Chief Procurement Officer is directed to prepare an appropriate renewal Agreement for execution by the parties.

SECTION 5: That the renewal Agreement will not become binding on the City, and the City will incur no obligation or liability under it until it has been executed by the Chief Procurement Officer, approved as to form by the City Attorney, and delivered to Oracle USA Inc.

SECTION 6: That all Ordinances or parts of Ordinances in conflict with this Ordinance are waived for this instance only.

RCS# 2605
12/01/08
2:46 PM

Atlanta City Council

SPECIAL SESSION

CONSENT II

REFER

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: FINANCE/EXECUTIVE

Caption:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SOURCE SELECTION PROVISIONS CONTAINED IN THE ATLANTA CITY CODE, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE RENEWAL AGREEMENT WITH ORACLE USA INC., FOR THE ORACLE DATABASE SOFTWARE LICENSES AND SUPPORT FOR THE ERP APPLICATION, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND, ONE HUNDRED SEVENTY-NINE DOLLARS AND NINETY-NINE CENTS (\$70,179.99); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 1001(GENERAL FUND) 050202 (IT APPLICATIONS) 5410001 (CONSULTANT/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM); AND FOR OTHER PURPOSES.

Council Meeting Date: January 5, 2009

Requesting Dept.: Information Technology

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

DIT desires to ratify the prior provision of the Database software licenses and support under the expired agreement, from April 8, 2008 through the present, and to renew the Database software licenses and support agreement for one year effective April 8, 2008, through April 7, 2009.

2. Please provide background information regarding this legislation.

The City of Atlanta ("City") entered into a cooperative purchase of a multi-year license agreement (#2118646) utilizing GSA Schedule GS-35F-0009T with Oracle USA Inc. for Oracle Database software licenses and support for the ERP Project (authorized by the Atlanta City Council Resolution number 06-R-0828) beginning April, 2006, and the term of the Database software licenses and support agreement expired on April 7, 2008 and Oracle USA Inc. has continued to provide software licenses and support satisfactorily.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Software & Support
- (b) **Source Selection:** Cooperative Purchase
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:** 1 year

4. Fund Account Center: 1001 (General Fund) 050202 (IT Applications) 5410001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information System)

5. Source of Funds:

6. Fiscal Impact: \$70,179.99

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Kathleen Lane, DIT Compliance Analyst

Legislation Summary

Committee of Purview:

Caption

A resolution authorizing the Mayor to execute an appropriate contractual agreement on behalf of the Department of Information Technology with Oracle USA, Inc. in an amount not to exceed seventy thousand one hundred seventy nine dollars and ninety nine cents (\$70,179.99). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050202 (IT Applications), 5410001 (Consultant/Professional Services), 1535000 (Data Processing/Management Information System).

Council Meeting Date: January 05, 2009

Legislation Title: Resolution authorizing the Chief Procurement Officer to enter into an Appropriate Renewal Agreement with Oracle USA, Inc. utilizing the Federal GSA Contract #GS-35F-0009T for the Oracle Database Software Licenses and Support for the ERP Application on behalf of the Department of Information Technology in an amount not to exceed seventy thousand one hundred seventy nine dollars and ninety nine cents (\$70,179.99). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050202 (IT Applications), 5410001 (Consultant/Professional Services), 1535000 (Data Processing/Management Information System).

Requesting Department: Department of Information Technology

Contract Type: N/A

Source Selection: Federal GSA Contract #GS-35F-0009T

Bids/Proposals Due: N/A

Invitations Issued: N/A

**Number of Bids/
Proposals Received:** N/A

Bidders/Proponents: N/A

Justification Statement: N/A

Background: N/A

Fund Account Centers: 1001 (General Fund), 050202 (IT Applications),
5410001 (Consultant/Professional Services),
1535000 (Data Processing/Management
Information System).

Source of Funds: N/A

Fiscal Impact: N/A

Term of Contract: N/A

Method of Cost Recovery: N/A

Approval:

DOF:

DOL:

Prepared By: Patricia Lowe, Buyer

Contact Number: 404.330.6583



CITY OF ATLANTA
DEPT. OF PROCUREMENT

08 NOV -7 AM 10: 59

CITY OF ATLANTA

SUITE G700A
55 TRINITY AVENUE, SW
ATLANTA, GA 30303
(404) 330 - 6110

Internet Home Page: www.atlantaga.gov

Shirley Franklin
Mayor

Dan Smith
Chief Information Officer
Department of Information Technology

MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer
Department of Procurement

FROM: Dan Smith, Chief Information Officer
Department of Information Technology

RE: **Sole Source for Oracle USA Inc. for Support of DB and RAC Software**

DATE: October 30, 2008

Please approve Oracle USA Inc. for the above-referenced service per the request of the Chief Information Officer

Resolution 05-R-0495 authorized Oracle USA Inc. to provide Data Base software licenses and support in March 2005.

The software identified by Oracle Contracts # 2016306, 2118646 & 2373242 were also purchased off the GA State Agreement #980-020-110165. Oracle USA Inc. is the original manufacture of the database software and is best qualified to provide support.

If you should need further assistance, please do not hesitate to contact me.

DS/kdl

cc: Mr. David A. Chapman, DCPO
Ms. Mimie L. Woods, CO for DPRCA

ORACLE

1910 Oracle Way
Reston, VA 20190

CITY OF ATLANTA
DEPT. OF PROCUREMENT

08 NOV -7 AM 10:59

October 31, 2008

City of Atlanta
Lisa Scheidt
55 Trinity Avenue, SW Suite G700
Atlanta, GA 30303

Dear Lisa,

This letter is to confirm that Oracle has the unique expertise and capabilities to support Oracle program licenses. Oracle creates the proprietary program updates that may be provided as part of Oracle's technical support services. As the sole source of technical support services (including the proprietary program updates created by Oracle), Oracle offers the services to Oracle customers for purchase on an annual basis either directly from Oracle or, on limited occasion, indirectly from an Oracle authorized reseller of the services. For more detailed information about Oracle's technical support services, refer to Oracle's technical support policies located at <http://www.oracle.com/support/policies.html>.

Please contact me should you have questions.

Regards,

Sandra Loretto
Support Renewal Representative, Oracle Support Services
Oracle USA, Inc.
1910 Oracle Way
Reston, VA 20190


[Home](#)
[eBuy - quotes](#)
[GSA Advantage - online shopping](#)
[Help](#)



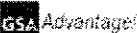

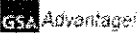

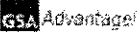

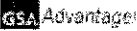

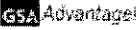
Search:

all the words



Contractor Information

(Vendors) How to change your company information

Contract #:		GS-35F-0009T		Socio-Economic :		Other than small business	
Contractor:		ORACLE USA, INC.					
Address:		500 ORACLE PKWY REDWOOD CITY, CA 94065-1677		Govt. Contracting Officer: REGINA ELLIS Phone: 703-605-2714 E-Mail: regina.ellis@gsa.gov			
Phone:		(703)364-1558					
E-Mail:		GSAINFO_US@Oracle.com					
Web Address:		http://www.oracle.com/index.html					
Source	Title	Contract Number	Contract Terms & Conditions	Contract End Date	Category		View Items Available
70	GENERAL PURPOSE COMMERCIAL INFORMATION TECHNOLOGY EQUIPMENT, SOFTWARE, AND SERVICES	GS-35F-0009T		Sep 30, 2011	132 3		
					132 32		
					132 33		
					132 34		
					132 51		



28-May-08

Lisa Scheidt
CITY OF ATLANTA
DAS/BMIS-Systems & Prog, DIV
55 Trinity Ave., SW Suite G700
ATLANTA
GA 30303

Dear Lisa Scheidt,

The technical support services and benefits provided under service contract number 2118646 will expire, or have expired, on 7-Apr-08. Please find attached an ordering document for the renewal of this service contract. If applicable, the attached ordering document may also include incremental technical support services newly acquired.

In order to complete the attached ordering document and to ensure that there is no interruption to the technical support services and benefits provided under service contract number 2118646, please accept the ordering document in accordance with the attached Acceptance Details on or before 4-Dec-2008.

If further information is required, please contact me at the e-mail address or telephone number provided below.

Regards,

Sandra Loretto
Oracle Support Services
E-mail: sandra.loretto@oracle.com
Tel.: +17033642776
Fax: +17033643557



Ordering Document

Order Date:	28-May-08	Renewal Contact:	Sandra Loretto
Service Contract #:	2118646	Address:	Oracle Reston 1910 Oracle Way Reston VA 20190
Payment Terms:	30 NET from receipt of invoice	Telephone:	+17033642776
Billing Terms:	Quarterly in Arrears in four approximately equal amounts	Fax:	+17033643557
Offer Expires:	4-Dec-08	E-mail:	sandra.loretto@oracle.com

CUSTOMER: CITY OF ATLANTA

QUOTE TO

Account Contact:	Lisa Scheidt
Account Name:	CITY OF ATLANTA
Address:	DAS/BMIS-Systems & Prog, DIV 55 Trinity Ave., SW Suite G700 ATLANTA GA 30303
Telephone:	404 865-8524
Fax:	
E-mail:	LScheidt@AtlantaGa.Gov

BILL TO

Account Contact	Accounts Payable
Account Name:	CITY OF ATLANTA
Address:	Bureau of Management Information Services 55 Trinity Ste, G300 ATLANTA GA 30303
Telephone:	404-330-6230
Fax:	
E-mail:	barmstrong@atlantaga.gov

Oracle may provide certain information and notices about technical support via e-mail. Accordingly, please verify and update the Quote To and Bill To information above to ensure that such communications and notices are received from us. If changes are required, please e-mail or fax the updated information to Sandra Loretto at sandra.loretto@oracle.com or +17033643557. Please also include service contract number 2118646 on such reply.

Service Details

Service Level: Software Update License & Support					End Date: 7-Apr-09	
Product Description	CSI #	Qty	License Metric	License Level / Type	Start Date	Final Price
Oracle Database Standard Edition - Processor Perpetual	14416534	6		FULL USE	8-Apr-08	14,063.40
Tuning Pack - Processor Perpetual	14416534	4		FULL USE	8-Apr-08	1,875.12
Change Management Pack - Processor Perpetual	14416534	4		FULL USE	8-Apr-08	1,875.12
Programmer - Named User Plus Perpetual	14416534	2		FULL USE	8-Apr-08	312.52
Oracle Database Enterprise Edition - Processor Perpetual	14416534	4		FULL USE	8-Apr-08	25,001.59
Internet Developer Suite - Named User Plus Perpetual	14416534	2		FULL USE	8-Apr-08	1,562.60
Internet Application Server Enterprise Edition - Processor Perpetual	14416534	2		FULL USE	8-Apr-08	6,250.40
Diagnostics Pack - Processor Perpetual	14416534	4		FULL USE	8-Apr-08	1,875.12
Subtotal:					USD	52,815.87

Reinstatement Fees: 17,364.12 Total: 70,179.99

Notes:

1. If any of the fields listed above are blank, the program licenses were acquired under a separate license model in which such field(s) does not apply.
2. If a change to the Service Details provided above is required, please contact Sandra Loretto at +17033642776 or at sandra.loretto@oracle.com and an updated ordering document will be provided to you in accordance with Oracle's technical support policies.

GENERAL TERMS

"You" and "your" refers to the Customer provided above.

The technical support services acquired under this ordering document are governed by the terms and conditions of the current GSA schedule GS-35F-0009T, and will be provided under Oracle's technical support policies in effect at the time the services are provided. Any updates and other materials provided or made available to you under technical support shall be subject to your license grant and use restrictions applicable to the programs being supported.

The technical support policies are subject to change at Oracle's discretion; however, Oracle will not materially reduce the level of services provided for supported programs during the period for which fees for technical support have been paid. You should review the technical support policies prior to entering into this ordering document. You may access the current version of the technical support policies, including Oracle's reinstatement policy, at <http://www.oracle.com/support/policies.html>. Customers who allow technical support to lapse and later wish to reactivate it will be subject to Oracle's reinstatement policy in effect at the time of reinstatement. Applicable reinstatement fees may apply in addition to the annual technical support fees.

This ordering document is subject to Oracle's acceptance. An invoice, including applicable sales tax, GST, or VAT (collectively referred to as "tax"), will only be issued upon receipt of acceptance. If your organization is tax exempt and is not a U.S. federal government entity, a copy of your tax exemption certificate and a letter of authorization must be included with your purchase order or other form of payment.

This ordering document is governed by the substantive and procedural laws of California and you and Oracle agree to submit to the exclusive jurisdiction of, and venue in, the courts in San Francisco, San Mateo, or Santa Clara counties in California in any dispute arising out of or relating to this order.

Indemnification

If a third party makes a claim against either you or Oracle ("Recipient" which may refer to you or Oracle depending upon which party received the Material), that any information, design, specification, instruction, software, data, or material ("Material") furnished by either you or Oracle ("Provider" which may refer to you or Oracle depending on which party provided the Material), and used by the Recipient infringes its intellectual property rights, the Provider, at its sole cost and expense, will defend the Recipient against the claim and indemnify the Recipient from the damages, liabilities, costs and expenses awarded by the court to the third party claiming infringement or the settlement agreed to by the Provider, if the Recipient does the following:

- notifies the Provider promptly in writing, not later than 30 days after the Recipient receives notice of the claim (or sooner if required by applicable law);
- gives the Provider sole control of the defense and any settlement negotiations; and
- gives the Provider the information, authority, and assistance the Provider needs to defend against or settle the claim.

If the Provider believes or it is determined that any of the Material may have violated a third party's intellectual property rights, the Provider may choose to either modify the Material to be non-infringing (while substantially preserving its utility or functionality) or obtain a license to allow for continued use, or if these alternatives are not commercially reasonable, the Provider may end the license for, and require return of, the applicable Material and refund any fees the Recipient may have paid for it and any unused, prepaid technical support fees you have paid for the license. If you are the Provider and such return materially affects Oracle's ability to meet its obligations under this ordering document, then Oracle may, at its option and upon 30 days prior written notice, terminate this ordering document. The Provider will not indemnify the Recipient if the Recipient alters the Material or uses it outside the scope of use identified in the Provider's user documentation or if the Recipient uses a version of the Materials which has been superseded, if the infringement claim could have been avoided by using an unaltered current version of the Material which was provided to the Recipient. The Provider will not indemnify the Recipient to the extent that an infringement claim is based upon any information, design, specification, instruction,

software, data, or material not furnished by the Provider. Oracle will not indemnify you to the extent that an infringement claim is based upon the combination of any Material with any products or services not provided by Oracle. Oracle will not indemnify you for infringement caused by your actions against any third party if the Oracle program(s) as delivered to you and used in accordance with the terms of this ordering document would not otherwise infringe any third party intellectual property rights. This Indemnification section provides the parties' exclusive remedy for any infringement claims or damages.

Acceptance Details

Oracle normally processes orders after receipt of a purchase order or other acceptable form of payment such as a credit card for the total fees specified on the ordering document.

Acceptance of the services ordered hereto should be sent to:

Attn: Sandra Loretto
Oracle Support Services
Fax: +17033643557
E-mail: sandra.loretto@oracle.com

PURCHASE ORDER, CHECK, CREDIT CARD CONFIRMATION

Purchase Order

If the ordering document will be accepted by purchase order, the purchase order must include the following information:

Service Contract #: 2118646
Term of Service: 8-Apr-08 to 7-Apr-09
Local Tax, if applicable
GSA Contract Number: GS-35F-0009T

The terms of GSA schedule GS-35F-0009T and this ordering document shall supersede the terms of the purchase order or any other non-Oracle document, and no terms included in any such purchase order or other non-Oracle document shall apply to the services ordered.

Please e-mail or fax the purchase order to Oracle per the Acceptance Details provided above.

Check

If the ordering document will be accepted by check, the check must include the following information:

Service Contract #: 2118646
Term of Service: 8-Apr-08 to 7-Apr-09
Local Tax, if applicable

Please mail check payments to the following address:

AK, AZ, CA, HI, ID, NV, OR, UT, WA:

Oracle USA, Inc.
PO Box 44471
San Francisco, CA 94144-4471

All other States:

Oracle USA, Inc.
PO Box 71028
Chicago, IL 60694-1028

Credit Card

If the ordering document will be accepted by credit card, please complete the section below and return it to Oracle per the Acceptance Details provided above.

Service Contract #: 2118646
Term of Service: 8-Apr-08 to 7-Apr-09

Credit Card Number

Expiration Date

Billing Address (associated with Credit Card)

City, State, and Zip (associated with Credit Card)

Authorized Signature

Name

The credit card must be valid for the entire Term of Service above. Oracle will bill the credit card in accordance with the payment terms provided in the ordering document above.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Kathleen Lane

Contact Number: 404-335-1983

Originating Department: Department of Information Technology

Committee(s) of Purview: Finance/Executive Committee

Chief of Staff Deadline: November 12, 2008

Anticipated Committee Meeting Date(s): November 24, 2008

Anticipated Full Council Date: January 5th, 2009

Legislative Counsel's Signature: [Signature]

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: [Signature]

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SOURCE SELECTION PROVISIONS CONTAINED IN THE ATLANTA CITY CODE, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE RENEWAL AGREEMENT WITH ORACLE USA INC., FOR THE ORACLE DATABASE SOFTWARE LICENSES AND SUPPORT FOR THE ERP APPLICATION, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND, ONE HUNDRED SEVENTY-NINE DOLLARS AND NINETY-NINE CENTS (\$70,179.99); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 1001(GENERAL FUND) 050202 (IT APPLICATIONS) 5410001 (CONSULTANT/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM); AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11.12.08 Reviewed by: 11/14/08
(date) (date)

Submitted to Council: _____

AN ORDINANCE
BY FINANCE/ EXECUTIVE COMMITTEE

08-0 -2295

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2009 WATER AND WASTEWATER BUDGET, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN THE AMOUNT OF FIVE HUNDRED THIRTY NINE THOUSAND DOLLARS AND NO CENTS (\$539,000.00) BY TRANSFERRING FUNDS FROM 5052 (WATER AND WASTEWATER) 200101 (NDP RESERVATION OF FUND) 5999901 (RESERVE CONVERSION ACCOUNT) 1512000 (ACCOUNTING) TO 5051 (WATER AND WASTEWATER) 170201 (DWM WASTEWATER TREATMENT) 5750002 (PROPERTY/ LIQUIDATION) 4310000 (SANITARY ADMINISTRATION) FOR LITIGATION EXPENSES ASSOCIATED WITH DEPARTMENT OF WATERSHED MANAGEMENT MATTERS; AND FOR OTHER PURPOSES.

WHEREAS, the approved budgeted amount to cover litigation expenses associated with Department of Watershed Management matters for Fiscal Year 2009 has been exceeded; and

WHEREAS, there are several matters that were not projected to be resolved in Fiscal Year 2009, but have presented a resolution that is not only reasonable, but in the best interest of the City of Atlanta ("City"); and

WHEREAS, the City desires to transfer funds in the amount of \$539,000.00, to cover litigation expenses associated with resolving these matters.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Chief Financial Officer is authorized to amend the 2009 (Water and Wastewater) Budget as follows:

TRANSFER FROM APPROPRIATIONS

5052	Water and Wastewater Fund
200101	NDP Reservation of Fund
5999901	Reserve Conversion Account
1512000	Accounting

Total	\$ 539,000.00
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TRANSFER TO APPROPRIATIONS

5051	Water and Wastewater Fund
------	---------------------------

170201	DWM Wastewater Treatment
5750002	Property/ Liquidation
4310000	Sanitary Liquidation

Total	\$ 539,000.00
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SECTION 2: That all Ordinances and parts of Ordinances in conflict herewith are hereby waived to the extent of the conflict.

RCS# 2605
12/01/08
2:46 PM

Atlanta City Council

SPECIAL SESSION

CONSENT II

REFER

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/ Executive Committee

Caption: AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2009 WATER AND WASTEWATER BUDGET, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN THE AMOUNT OF FIVE HUNDRED THIRTY NINE THOUSAND DOLLARS AND NO CENTS (\$539,000.00) BY TRANSFERRING FUNDS FROM 5052 (WATER AND WASTEWATER) 200101 (NDP RESERVATION OF FUND) 5999901 (RESERVE CONVERSION ACCOUNT) 1512000 (ACCOUNTING) TO 5051 (WATER AND WASTEWATER) 170201 (DWM WASTEWATER TREATMENT) 5750002 (PROPERTY/ LIQUIDATION) 4310000 (SANITARY ADMINISTRATION) FOR LITIGATION EXPENSES ASSOCIATED WITH DEPARTMENT OF WATERSHED MANAGEMENT MATTERS; AND FOR OTHER PURPOSES.

Council Meeting Date: December 1, 2008

Requesting Dept.: Department of Law

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to transfer funds from appropriations to cover litigation expenses for Department of Watershed Management matters.

2. Please provide background information regarding this legislation.

There are several matters that were not projected to be resolved in the current fiscal year. However, resolutions for these matters have been presented that are very reasonable, and the City desires to settle these matters.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** N/A

(b) **Source Selection:** N/A

(c) Bids/Proposals Due: N/A

(d) Invitations Issued: N/A

(e) Number of Bids: N/A

(f) Proposals Received: N/A

(g) Bidders/Proponents: N/A

(h) Term of Contract: N/A

4. Fund, Department Organization and Account number:

5. Source of Funds:

6. Fiscal Impact: \$539,000

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Simone Brathwaite

Contact Number: 404-330-6310

Originating Department: Department of Law

Committee(s) of Purview: Finance/ Executive Committee

Chief of Staff Deadline: November 12, 2008

Anticipated Committee Meeting Date(s): November 24, 2008

Anticipated Full Council Date: December 1, 2008

Legislative Counsel's Signature: 

Commissioner Signature: 

CAPTION

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2009 WATER AND WASTEWATER BUDGET, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN THE AMOUNT OF FIVE HUNDRED THIRTY NINE THOUSAND DOLLARS AND NO CENTS (\$539,000.00) BY TRANSFERRING FUNDS FROM 5052 (WATER AND WASTEWATER) 200101 (NDP RESERVATION OF FUND) 5999901 (RESERVE CONVERSION ACCOUNT) 1512000 (ACCOUNTING) TO 5051 (WATER AND WASTEWATER) 170201 (DWM WASTEWATER TREATMENT) 5750002 (PROPERTY/ LIQUIDATION) 4310000 (SANITARY ADMINISTRATION) FOR LITIGATION EXPENSES ASSOCIATED WITH DEPARTMENT OF WATERSHED MANAGEMENT MATTERS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$539,000.00

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____

(date)

(date)

Received by Mayor's Office: 11/14/08 Reviewed by: AC 11/14/08

(date)

(date)

Submitted to Council: _____

(date)

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE WAIVING THE ATLANTA CITY CODE OF ORDINANCES, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, TO AUTHORIZE THE EXTENSION OF CONTRACT NO. FC-6007000058, POST-PRODUCTION SUPPORT FOR ENTERPRISE RESOURCE PLANNING, WITH ORACLE USA, INC., ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, AND TO ADD FUNDING IN AN AMOUNT NOT TO EXCEED ONE MILLION, TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$1,250,000.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBER 1001 (GENERAL FUND) 050202 (IT APPLICATIONS 5213001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into Contract No. FC-6007000058, Post-Production Support for Enterprise Resource Planning ("ERP") Program with Oracle USA, Inc. ("Oracle"), for a term of one (1) year, in an amount not to exceed Two Million, Five Hundred Thousand Dollars and No Cents (\$2,500,000.00) pursuant to Resolution 07-R-2542; and

WHEREAS, the Contract will expire on December 31st, 2008, however, the City has determined that it is necessary to extend the term of the Contract for an additional six (6) months to obtain additional consulting and professional services for the City's implemented ERP system; and

WHEREAS, the Department of Information Technology and the Chief Procurement Officer recommend extending the term of the contract for six (6) months and adding funding for the additional time for performance thereof in the amount of One Million, Two Hundred Fifty Thousand Dollars and No Cents (\$1,250,000.00).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: The contract is extended pursuant to the same terms and conditions previously approved by this Council for an additional six (6) months, effective from January 1st, 2008 to June 30th, 2008.

SECTION 2: That additional funding is authorized in an amount not to exceed One Million, Two Hundred Fifty Thousand Dollars and No Cents (\$1,250,000.00), resulting in a total contract amount not to exceed Three Million, Seven Hundred Fifty Thousand Dollars and No Cents (\$3,750,000.00)

SECTION 3: At the expiration of the six (6) month extension, the City shall have the option to renew the Contract for an additional six (6) months in an amount not to exceed One Million, Two Hundred Fifty Thousand Dollars and No Cents (\$1,250,000.00).

SECTION 4: That all contracted work will be charged to and paid from Fund, Department Organization and Account number 1001 (General Fund) 050202 (IT Applications) 5213001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information Systems).

SECTION 5: That the Chief Procurement Officer is directed to assist the City Attorney in the preparation of any appropriate documents to reflect the extension for execution by the Mayor.

SECTION 6: That the extension will not become binding upon the City and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to Oracle USA, Inc.

SECTION 7: That all ordinances or parts of ordinances in conflict with this Ordinance, including but not limited to the provisions of Atlanta City Code, Article X, Section 2-1206, limiting the extension of a contract to a period of not more than 90 days, are waived to the extent of the conflict.

RCS# 2605
12/01/08
2:46 PM

Atlanta City Council

SPECIAL SESSION

CONSENT II

REFER

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II



ORDERING DOCUMENT/EXHIBIT AMENDMENT ONE

Customer Name: The City of Atlanta
Customer Address: 55 Trinity Avenue
Atlanta, GA 30303

Oracle USA, Inc.
500 Oracle Parkway
Redwood Shores, CA 94065

ORACLE CONTRACT INFORMATION

This ordering document/exhibit amendment one amends the ordering document and/or exhibit(s) listed below and all ordering document/exhibit amendments thereto (the "ordering document") between you and Oracle USA, Inc. ("Oracle").

The ordering document/exhibit is amended as follows:

A. AMENDMENT DETAILS

1. Ordering document US-12019643-28-NOV-2007

You and Oracle hereby agree to amend the ordering document as follows:

a. Section A, Services – Delete Services Table in its entirety and replace with the following:

Services	Reference	Fees*
Fixed Price Exhibit	Exhibit 1 – FPE – 300210454	\$2,499,000.00
Order Document Amendment One	ODA 1	\$1,195,000.00
Total Fees		\$3,694,000.00

*Expenses are in accordance with each referenced exhibit.

b. Exhibit 1 – FPE – 300210454

You and Oracle hereby agree to amend the Fixed Price Exhibit as follows:

3) Section 1. Description of Services is changed as follows:

- a) The first paragraph is changed to delete "for a period of 12 months (January – December, 2008)", and replace it with the following:

"for a period of 18 months (January 2008 - June 2009)".

- b) Phase 1, paragraph a) is changed to delete "(January – December 2008), and replace it with the following:

“(January 2008 - June 2009)”

- c) Phase 2, Project Deliverables Table, Item 7 is added as follows:

“Monthly Support Services Delivered as outlined under Item 1 (Description of Services in the original agreement) and as modified by this extension, including a status report that contains a scorecard reflecting targets and summarizing the Service Requests and associated resolution activities
“

- 2) Section 2. Your Obligations and Project Assumptions, is changed as follows:

- a) Section B. Project Assumptions shall be changed to add the following prior to the assumptions section entitled “Program Management”:

“Ordering Document Amendment 2 Assumptions:

- The City and Oracle Consulting will work together to transition primary responsibility for managing all Service Request (SR) tickets to the City by 6/30/2009. The City will continue to have responsibility for assigning and resolving all infrastructure-related tickets (new user setups, responsibility assignments, etc.).
- Service-Level Agreement (SLA) goals are to become targets for achievement and are no longer a mandatory measurement for deliverables as part of this extension
- Oracle consulting functional resources on site will assist the city with report design as time allows when they are not performing their first priority function of supporting the functional personnel with maintaining the system or issues.
- Oracle will no longer be responsible for or participate in the assessment of the IT professionals for the City of Atlanta Technology Department.”

- b) Section B. Project Assumptions, Staffing, second bullet point is changed to delete “for a period of 12 months”, and replace it with the following:

“for a period of 18 months”

- c) Section B. Post-Production Support Staffing Plan for Oracle Resources and Summary of Key Changes, is changed as follows:

- i. Add the following as the first bullet point of this section:

“The following acronyms, used within this section, are defined as indicated below:

- NAC: Resources from Oracle’s North American Consulting Practice
- GSD: Resources from Oracle’s Global Services Delivery Practice”

- ii. In the “August 2008” section, the sentence “Scheduled Resources in August 2008 – 12 total”, is deleted and replaced with the following:

“Scheduled Resources in August 2008 – 11 total”

- iii. In the “September 2008” section, the sentence “Scheduled Resources in August 2008 – 13 total”, is deleted and replaced with the following:

“Scheduled Resources in September 2008 – 11 total”

- iv. The “October 2008 – December 2008” section is deleted in its entirety and replaced with the following:

“December 2008 – . In December, two additional team members from Oracle’s GSD team will be added to begin the transition of the Finance and Procurement functional support roles to GSD. These team members will come onsite and will overlap with their NAC counterparts for the entire month of December. At the end of the month, the on-site functional team members supporting Finance and Procurement from NAC will roll off and the GSD team members will serve in their place.

Scheduled Resources in October – December 2008 – 11 total”

- v. The following sections shall be set forth after the section entitled “October 2008 – September 2008”:

“January – March 2009 – The project team is extended. During this period, the Oracle team will include the following:

- Project Management – 1 On-Site Project Manager from NAC
- Functional Application Support – 3 On-Site Functional Support team members
 - Financials Functional Lead – On-Site from GSD
 - Procurement Functional Lead – On-Site from GSD
 - Human Resources / Payroll Lead – On-Site from NAC
- Technical Support – one (1) On-Site (serving as On-Site Technical Lead) from NAC, 1 off-site Technical Team Lead from GSD and 4 off-site technical support team members in the following roles from GSD:
 - Off-Site Financial Technical
 - Off-Site Procurement Technical Support
 - Off-Site Human Resource Technical Support
 - Off-Site Payroll Technical Support
- DBA Support – 1 off-site DBA support team from GSD

April - June 2009 – In April the two On-Site Oracle functional team members from GSD (Financials and Procurement) go Off-site and continue their Finance and Procurement functional support roles. All other roles will continue to be fully staffed as shown in the period January to March 2009.

Scheduled Resources from March - June 2009 – 11 total”

- vi. Section B. Post-Production Support Staffing Plan for Oracle Resources and Summary of Key Changes, is changed to delete the table entitled “Project Support Plan – Summary of Staffing by Month”, in its entirety, and replace it with the following:

“Project Support Plan – Summary of Staffing by Month*

City of Atlanta Support Plan	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09
Project Management													
NAC On-site Project Manager													
NAC On-Site Technical Support Team Lead													
Functional Support													
NAC On-site Functional Support (Financials)-													
GSD On-Site Functional Support (Financials)													
GSD Off-Site Functional Support (Financials)													
NAC On-site Functional Support (Procurement)													
GSD On-site Functional Support (Procurement)													
GSD Off-site Functional Support (Procurement)													
NAC On-site Functional Support (HRMS, Payroll, Benefits)													
Technical Support - GSD													
Off-site Technical Support Team Lead													
Off-site Technical Support (Financials)													
Off-site Technical Support (Procurement)													
Off-site Technical Support (HRMS)													
Off-site Technical Support (Payroll)													
Off-site DBA Support													
Total Scheduled Resources by Month	13	11	11	11	11	11	11	n/a	n/a	n/a	n/a	n/a	n/a

* Grey cells indicate post-production support coverage.

- 3) Section 4. Fees and Expenses (Payment by Deliverables) is changed as follows:

- a) The deliverables/acceptance criteria table is changed to delete the last row "Total \$1,195,000", and add the following to the end of the table:

January 31, 2009 (1/31/2009)	Monthly Post production Support Services & Status Report	Monthly Support Services Delivered as outlined under Item 1 (Description of Services) and a status report that includes a scorecard reflecting targets and summarizing the Service Request and associated resolution activities	\$ 208,333.00	Delivery of Monthly Post-Production Status Report to the City Project Manager in Agreed-upon format
February 28, 2009 (2/28/2009)	Monthly Post production Support Services & Status Report	Monthly Support Services Delivered as outlined under Item 1 (Description of Services) and a status report that includes a scorecard reflecting targets and summarizing the Service Request and associated resolution activities	\$ 208,333.00	Delivery of Monthly Post-Production Status Report to the City Project Manager in Agreed-upon format
March 31, 2009 (3/31/2009)	Monthly Post production Support Services & Status Report	Monthly Support Services Delivered as outlined under Item 1 (Description of Services) and a status report that includes a scorecard reflecting targets and summarizing the Service Request and associated resolution activities	\$ 208,333.00	Delivery of Monthly Post-Production Status Report to the City Project Manager in Agreed-upon format
April 30, 2009 (4/30/2009)	Monthly Post production Support Services & Status Report	Monthly Support Services Delivered as outlined under Item 1 (Description of Services) and a status report that includes a scorecard reflecting targets and summarizing the Service Request and associated resolution activities	\$ 208,333.00	Delivery of Monthly Post-Production Status Report to the City Project Manager in Agreed-upon format
May 31, 2009 (5/31/2009)	Monthly Post production Support Services & Status Report	Monthly Support Services Delivered as outlined under Item 1 (Description of Services) and a status report that includes a scorecard reflecting	\$ 208,333.00	Delivery of Monthly Post-Production Status Report to the City Project Manager in Agreed-upon format

		targets and summarizing the Service Request and associated resolution activities		
June 30,2009 (6/30/2009)	Monthly Post production Support Services &Status Report	Monthly Support Services Delivered as outlined under Item 1 (Description of Services) and a status report that includes a scorecard reflecting targets and summarizing the Service Request and associated resolution activities	\$ 153,335.00	Delivery of Monthly Post-Production Status Report to the City Project Manager in Agreed-upon format
Total Ext 1			\$1,195,000	
Total			\$3,694,000	

4. The following paragraph shall follow paragraph “5. Project Management”:

“6. Termination. You may terminate this exhibit at any time after April 15, 2009, without cause, by providing Oracle with thirty (30) business days prior written notice. The effective date of termination under this section shall be the end of the 30(th) business day after Oracle receives written notice of termination from you. You shall pay the fees and expenses, as well as the cost of materials for which Oracle has become obligated in connection with the contemplated services, through the effective date of termination. The fees for completed deliverables shall be as stated in this exhibit. The fees for incomplete deliverables shall be invoiced on a time and materials basis, at Oracle’s standard time and materials rates in effect when such services are performed, but may not exceed the fee stated in this exhibit for the applicable deliverable. You and Oracle each will use reasonable efforts to mitigate fees, expenses and costs in the event of such termination.”

5. Paragraph 6, Defined Terms, shall be renumbered as Paragraph 7.

B. ADDITIONAL TERMS

1. Order of Precedence. In the event of any inconsistencies between the ordering document and this ordering document/exhibit amendment one, this ordering document/exhibit amendment one shall take precedence.
2. Other. Subject to the modifications herein, the ordering document and applicable exhibit(s) shall remain in full force and effect.

Purchase Order Exception

Oracle processes your order after receipt of a purchase order. If you are unable to issue a purchase order for the services ordered hereto for an amount up to the total fees specified in Section A above, please check the appropriate box below:

- ☐ **THE CITY OF ATLANTA** does not issue purchase orders.
- ☐ **THE CITY OF ATLANTA** does not require a purchase order for the services ordered hereto.

This quote is valid through 31-DEC-2008 and shall become binding upon execution by you and acceptance by Oracle.

THE CITY OF ATLANTA

Oracle USA, Inc.

Authorized Signature: _____

Authorized Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Signature Date: _____

Signature Date: _____

Ordering Document Effective Date: _____ {To be completed by Oracle}

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: FINANCE/EXECUTIVE

Caption:

AN ORDINANCE WAIVING THE ATLANTA CITY CODE OF ORDINANCES, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, TO AUTHORIZE THE EXTENSION OF CONTRACT NO. FC-6007000058, POST-PRODUCTION SUPPORT FOR ENTERPRISE RESOURCE PLANNING, WITH ORACLE USA, INC., ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, AND TO ADD FUNDING IN AN AMOUNT NOT TO EXCEED ONE MILLION, TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$1,250,000.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBER 1001 (GENERAL FUND) 050202 (IT APPLICATIONS 5213001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS); AND FOR OTHER PURPOSES.

Council Meeting Date: January 5, 2008

Requesting Dept.: Information Technology

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

DIT desires to extend the term of the contract FC- 6007000058 for six (6) months and to add funding in an amount not to exceed One Million, Two Hundred Fifty Thousand Dollars and No Cents (\$1,250,000.00), resulting in a total contract amount not to exceed Three Million, Seven Hundred Fifty Thousand Dollars and No Cents (\$3,750,000.00)

2. Please provide background information regarding this legislation.

The City of Atlanta ("City") entered into Contract No. FC-6007000058, Post-Production Support for Enterprise Resource Planning ("ERP") Program with Oracle USA, Inc. ("Oracle"), for a term of one (1) year, in an amount not to exceed Two Million, Five Hundred Thousand Dollars and No Cents (\$2,500,000.00) pursuant to Resolution 07-R-25423.

If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Consulting and Professional Services

(b) **Source Selection:** Cooperative Purchase

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) **Number of Bids:**

(f) **Proposals Received:**

(g) **Bidders/Proponents:**

(h) **Term of Contract:** 6 months w/ option to renew another 6 months.

4. Fund Account Center: 1001 (General Fund) 050202 (IT Applications) 5410001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information System)

5. Source of Funds:

6. Fiscal Impact: (\$1,250,000.00)

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Kathleen Lane, DIT Compliance Analyst

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Kathleen Lane

Contact Number: 404-335-1983

Originating Department: Department of Information Technology

Committee(s) of Purview: Finance/Executive Committee

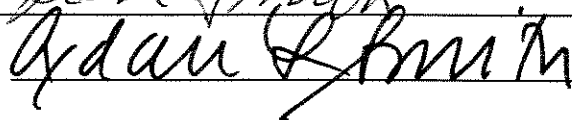
Chief of Staff Deadline: November 12, 2008

Anticipated Committee Meeting Date(s): November 24, 2008

Anticipated Full Council Date: January 5, 2008

Legislative Counsel's Signature: 

Commissioner Signature: 

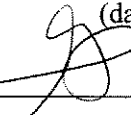
Chief Procurement Officer Signature: 

CAPTION

AN ORDINANCE WAIVING THE ATLANTA CITY CODE OF ORDINANCES, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, TO AUTHORIZE THE EXTENSION OF CONTRACT NO. FC-6007000058, POST-PRODUCTION SUPPORT FOR ENTERPRISE RESOURCE PLANNING, WITH ORACLE USA, INC., ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, AND TO ADD FUNDING IN AN AMOUNT NOT TO EXCEED ONE MILLION, TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$1,250,000.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBER 1001 (GENERAL FUND) 050202 (IT APPLICATIONS 5213001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS); AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11/24/08 Reviewed by: 
(date) (date)

Submitted to Council: _____

**AN ORDINANCE BY
FINANCE/ EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO AUTHORIZE A MONTH-TO-MONTH CONTRACT WITH NOVAPRO RISK SOLUTIONS, LP, FOR UP TO SIX (6) MONTHS OR UNTIL ANOTHER VENDOR IS ACCEPTED, FOR WORKERS' COMPENSATION THIRD PARTY ADMINISTRATION, HEALTHCARE MANAGEMENT AND LITIGATION MANAGEMENT, ON BEHALF OF THE DEPARTMENT OF FINANCE, IN AMOUNT NOT TO EXCEED \$777,150.00; ALL EXPENSES TO BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER: 1001 (GENERAL FUND) 200307 (NDP WORKERS' COMPENSATION EXPENSES) 5127001 (WORKERS' COMPENSATION INC) 1555000 (RISK MANAGEMENT) (PREVIOUSLY 1A01/GENERAL FUND; 515001/WORKERS COMPENSATION INC; T33301/WORKERS' COMPENSATION EXPENSES); AND FOR OTHER PURPOSES.

WHEREAS, on May 17, 2004 the City Council adopted Resolution 04-R-0323 and the Mayor approved the same on May 25, 2004 directing the Mayor to execute an appropriate contractual agreement with Ward North America, Inc. to provide workers' compensation claims administration, medical cost management and subrogation services; and

WHEREAS, the original term of the Contract was for a period of two (2) years with one (1) two-year renewal option; and

WHEREAS, on August 21, 2006 the City Council adopted Resolution 06-R-1639 and the Mayor approved the same on August 29, 2006 directing the Mayor to execute an appropriate renewal agreement for FC-7563-03; and

WHEREAS, in October 2006, Ward North America, Inc. changed its name to NovaPro Risk Solutions, LP ("NovaPro"); and

WHEREAS, in accordance with Atlanta City Code section 2-1206, the Chief Procurement Officer granted a ninety (90) day extension of the contractual agreement prepared in accordance with Resolution 04-R-0323; and

WHEREAS, the ninety (90) day extension is set to expire on or around December 22, 2008; and

WHEREAS, NovaPro has continued to provide services to the City; and

WHEREAS, the services provided by NovaPro need to continue while a new solicitation is completed, to ensure that workers' compensation claims administration, medical cost management and subrogation services continue uninterrupted; and

WHEREAS, the City desires to continue its relationship with NovaPro on a month-to-month basis, for a period of six (6) months or until another vendor is accepted, so as to ensure the continued provision of the vital services provided by NovaPro until the City successfully awards a new contract for services under its pending procurement; and

WHEREAS, NovaPro is willing to continue providing services to the City under such an extended contractual relationship on a month-to-month basis; and

WHEREAS, the Chief Financial Officer and the Chief Procurement Officer have recommended the transaction contemplated by this Ordinance.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the City is authorized to continue its relationship with NovaPro Risk Solutions, LP ("NovaPro") and enter into a month- to- month contract, in an amount not to exceed \$777,150.00, with NovaPro pursuant to the terms and conditions of Agreement FC-7563-03 authorized under Resolution 04-R-0323, for a period of six (6) months or until another vendor is accepted, so as to ensure the continued provision of the vital service provided by NovaPro until the City successfully awards a new contract for such services under its pending procurement.

SECTION 2: That all expenses shall be charged to and paid from Fund, Department Organization and Account numbers: 1001 (GENERAL FUND) 200307 (NDP WORKERS' COMPENSATION EXPENSES) 5127001 (WORKERS' COMPENSATION INC) 1555000 (RISK MANAGEMENT) (PREVIOUSLY 1A01/GENERAL FUND; 515001/WORKERS COMPENSATION INC; T33301/WORKERS' COMPENSATION EXPENSES).

SECTION 3: That the Chief Financial Officer is authorized to remit payment for the services identified in Section One of this ordinance.

SECTION 4: That the Mayor is authorized, on behalf of the City, to take any other and further action and to execute, acknowledge, accept and/or deliver any other and further instruments, documents and assurances deemed desirable and appropriate to consummate the temporary transactions authorized by this Ordinance and to effectuate the terms, purposes and intent of this Ordinance.

SECTION 5: That the City's actions in accepting and paying for services provided by NovaPro under the terms and conditions of FC-7563-03, from December 22, 2008 until the effective date of the month-to-month contract are hereby ratified and confirmed.

SECTION 6: Chapter 2, Article X, Division 4, Section 2-1187 of the City of Atlanta's Code of Ordinances is hereby waived, for this instance only, to the extent that such Code provision applies to the authorization of the month-to-month contract with NovaPro.

SECTION 7: That all Ordinances or parts of Ordinances in conflict with this Ordinance are waived for this instance only.

RCS# 2605
12/01/08
2:46 PM

Atlanta City Council

SPECIAL SESSION

CONSENT II

REFER

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/ Executive Committee

Caption: AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO AUTHORIZE A MONTH-TO-MONTH CONTRACT WITH NOVAPRO RISK SOLUTIONS, LP, FOR UP TO SIX (6) MONTHS OR UNTIL ANOTHER VENDOR IS ACCEPTED, FOR WORKERS' COMPENSATION THIRD PARTY ADMINISTRATION, HEALTHCARE MANAGEMENT AND LITIGATION MANAGEMENT, ON BEHALF OF THE DEPARTMENT OF FINANCE, IN AMOUNT NOT TO EXCEED \$777,150.00; ALL EXPENSES TO BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER: 1001 (GENERAL FUND) 200307 (NDP WORKERS' COMPENSATION EXPENSES) 5127001 (WORKERS' COMPENSATION INC) 1555000 (RISK MANAGEMENT) (PREVIOUSLY 1A01/GENERAL FUND; 515001/WORKERS COMPENSATION INC; T33301/WORKERS' COMPENSATION EXPENSES); AND FOR OTHER PURPOSES.

Council Meeting Date: December 1, 2008

Requesting Dept.: Department of Finance

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to extend the existing Workers Compensation Third Party Administration contract for a period of 6 months.

2. Please provide background information regarding this legislation.

This agreement will provide the City with third party administration, healthcare management and litigation services for the City's workers compensation claims.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Professional Services
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**

- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. Fund Account Center (Ex. Name and number):

Fund: 1A01 (General Fund)
Account: 515001 (Workers Comp Inn Pay)
Center: T33301 (Workers Compensation Expenses)

Fund: 1001 (General Fund)
Department: 200307 (NDP Workers Compensation Expenses)
Account: 5127001 (Workers Comp Inc Pay)
Function: 1555000 (Risk Management)

5. Source of Funds: N/A

6. Fiscal Impact:

This legislation will result in a reduction in the amount of \$777,150.00 to 1001 Fund - 200307
Department/Org - 5127001 Account – 1555000 Function Activity (1A01 Fund – 515001 Account - T33301
Center Number).

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Tamika Puckett

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: LaShawn Gardiner

Contact Number: 404-330-6449

Originating Department: Department of Finance

Committee(s) of Purview: Finance/ Executive Committee

Chief of Staff Deadline: 11-12-2008

Anticipated Committee Meeting Date(s): 11-26-2008

Anticipated Full Council Date: 12-1-2008

Legislative Counsel's Signature: [Signature]

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: Adam J. Smith [Signature]

CAPTION

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO AUTHORIZE A MONTH-TO-MONTH CONTRACT WITH NOVAPRO RISK SOLUTIONS, LP, FOR UP TO SIX (6) MONTHS OR UNTIL ANOTHER VENDOR IS ACCEPTED, FOR WORKERS' COMPENSATION THIRD PARTY ADMINISTRATION, HEALTHCARE MANAGEMENT AND LITIGATION MANAGEMENT, ON BEHALF OF THE DEPARTMENT OF FINANCE, IN AMOUNT NOT TO EXCEED \$777,150.00; ALL EXPENSES TO BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER: 1001 (GENERAL FUND) 200307 (NDP WORKERS' COMPENSATION EXPENSES) 5127001 (WORKERS' COMPENSATION INC) 1555000 (RISK MANAGEMENT) (PREVIOUSLY 1A01/GENERAL FUND; 515001/WORKERS COMPENSATION INC; T33301/WORKERS' COMPENSATION EXPENSES); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$\$777,150.00

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11.21.08 Reviewed by: [Signature]
(date) (date)

Submitted to Council: _____
(date)

AN ORDINANCE BY *CLAIR MULLER*

AN ORDINANCE: [i] AUTHORIZING THE EXTENSION OF CONTRACT NO. FC-7593-03 WITH EAGLE GROUP INTERNATIONAL FROM DECEMBER 14, 2008, UNTIL JANUARY 13, 2009; [ii] WAIVING THE COMPETITIVE SOURCE SELECTION REQUIREMENTS OF THE CITY'S PROCUREMENT AND REAL ESTATE CODE, AS WELL AS ANY OTHER CONFLICTING CODE PROVISIONS; IN AN AMOUNT NOT TO EXCEED \$200,000. ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FDOA 5501 (AIRPORT REVENUE FUND) 180312 (OPERATIONS) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 7563000 (AIRPORT); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City"), as owner and operator of Hartsfield-Jackson Atlanta international Airport, entered into Contract No. FC-7593-03 ("Contract"), Quality Customer Service, with Eagle Group International; and

WHEREAS, the term of the Contract, as extended by the City's exercise of its 1 year renewal option and an additional 90 day extension by the Chief Procurement Officer, pursuant to Code Section 2-1206, is due to finally expire on December 13, 2008; and

WHEREAS, the Department of Aviation, working with the Department of Procurement, has completed the selection of a new Quality Customer Service provider through a publicly advertised RFP process; and

WHEREAS, there has been expressed a desire not to transition between the existing and new Quality Customer Care providers during the Christmas holiday period; and

WHEREAS, accordingly, it is desirable and in the City's best interests to extend the term of the Contract for a period of time sufficient to allow for a transition period after the Christmas holiday.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. That the Mayor is authorized to execute a supplement to the existing agreement extending the term from December 14, 2008, through January 13, 2009.

Section 2. That all contracted work for the extended period in an amount not to exceed Two Hundred Thousand (\$200,000) dollars will be charged to and paid for from FDOA 5501 (Airport Revenue Fund) 180312 (Operations) 5212001 (Consulting/Professional Services) 7563000 Airport Revenue Fund.

Section 3. That the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor, to be approved as to form by the City Attorney.

Section 4. That all ordinances or parts of ordinances in conflict with this Ordinance, including those ordinances concerning the City's competitive procurement requirements, are waived.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Contract No. FC 7593-03, Customer Care at Hartsfield-Jackson Atlanta International Airport be extended 30 days (December 14, 2009 thru January 13, 2009) so that the new contract with Initial Contract Services will begin on January 14, 2009.

The initial term of this contract expired September 13, 2008 and the 90 day Administrative Extension expires December 13, 2008

2. Please provide background information regarding this legislation.

The Department of Aviation has nominated qualified vendor (Initial Contract Services) for the operation and management of the Quality Customer Care at Hartsfield-Jackson Atlanta International Airport (FC-4540).

The current contract FC 7593-03 expired September 14, 2008 and was administratively extended by DOP for 90 days and expires on December 13, 2008.

Extending the current contract with Eagle Group International for 30 days is in the best interest of the City of Atlanta and the Department of Aviation. Cost of this 30 day extension will not exceed \$200,000.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Professional Services

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*): 5501 (Airport Revenue Fund) 180312 (Operations)
5212001 (Consulting/Professional Services) 7563000 Airport Revenue Fund.

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact:

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: None

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Chris Warner

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 11/26/08

Anticipated Committee Meeting Date(s): 12/10/08

Anticipated Full Council Date: 01/05/09

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: [Signature]

CAPTION

AN ORDINANCE: [i] AUTHORIZING THE EXTENSION OF CONTRACT NO. FC-7593-03 WITH EAGLE GROUP INTERNATIONAL FROM DECEMBER 14, 2008, UNTIL JANUARY 13, 2009; [ii] WAIVING THE COMPETITIVE SOURCE SELECTION REQUIREMENTS OF THE CITY'S PROCUREMENT AND REAL ESTATE CODE, AS WELL AS ANY OTHER CONFLICTING CODE PROVISIONS; IN AN AMOUNT NOT TO EXCEED \$200,000. ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FDOA 5501 (AIRPORT REVENUE FUND) 180312 (OPERATIONS) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 7563000 (AIRPORT); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$200,000

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11.25.08 [Signature] Reviewed by: 11/26/08 AL
(date) (date)

Submitted to Council: _____
(date)

AN ORDINANCE

BY COUNCILMEMBER ANNE FAUVER

AN ORDINANCE AUTHORIZING A REIMBURSEMENT OF DEVELOPMENT IMPACT FEES PAID BY DEWBERRY CAPITAL CORPORATION AT 1543-1559 PEACHTREE STREET AND THE GRANTING OF FUTURE IMPACT FEE CREDITS IN CONNECTION WITH INFRASTRUCTURE IMPROVEMENT WHICH WERE REQUIRED PURSUANT TO ZONING CONDITIONS IMPOSED BY ORDINANCE 99-O-1235; AND FOR OTHER PURPOSES

WHEREAS, Dewberry Capital Corporation ("Dewberry") applied for the rezoning of property located at 1543-1559 Peachtree Street for the construction of a new mixed use development, consisting of three buildings known as "One Peachtree Pointe," "Two Peachtree Pointe" and "Gallery Uptown" ("the Peachtree Pointe Development"); and

WHEREAS, certain of the conditions of Ordinance 99-O-1235 which rezoned the property to allow for the construction of the Peachtree Pointe Development required that certain intersection improvements be constructed in the area in order to improve the flow of traffic and increase pedestrian safety; and

WHEREAS, the zoning conditions caused Dewberry to make certain street intersection improvements at the intersections of (i) Peachtree Street and Spring Street and (ii) Peachtree Street, Robin Hood Lane and Beverly Drive (collectively referred to as the "Required Intersection Improvements"); and

WHEREAS, the Required Intersection Improvements are "system improvements," as defined by O.C.G.A. Sec. 36-71-2(18) and Sec. 19-1006 of the City of Atlanta Code of Ordinances; and

WHEREAS, the Georgia Development Impact Fee Act states that municipalities may not require that system improvements be financed or installed as a condition of zoning other than through the imposition of development impact fees; and

WHEREAS, certain portions of Peachtree Street adjacent to the Peachtree Pointe Development are controlled by the Georgia Department of Transportation and also have an impact on access to and from the I-85 Connector; and

WHEREAS, the permission of the Georgia Department of Transportation is required to make improvements to right of way under its control; and

WHEREAS, the City of Atlanta Bureau of Traffic and Transportation, the City of Atlanta Bureau of Planning and the Georgia Department of Transportation identified certain additional intersection improvements ("Additional Intersection Improvements") that were necessary to supplement the operation of the Required Intersection

Improvements in order to maximize the effectiveness of such improvements and to minimize negative impact to other parts of the street system in the area; and

WHEREAS, the Additional Intersection Improvements are also considered "system improvements" pursuant to O.C.G.A. Sec. 36-71-2(18) and Sec. 19-1006 of the City of Atlanta Code of Ordinances; and

WHEREAS, Section 19-1014 of the City of Atlanta Code of Ordinances authorizes the reimbursement of transportation impact fee paid for system improvements where appropriate; and

WHEREAS, a public and private partnership to construct the above-described intersection improvements offered a unique opportunity to significantly improve traffic flow on Peachtree Street and at the affected intersections; and

WHEREAS, Dewberry has completed all Required and Additional Intersection Improvements at a substantial cost in excess of the transportation impact fees which were paid in connection with the Peachtree Pointe Development; and

WHEREAS, it is in the best interest of the City of Atlanta to promote the public private partnership that led to the completion of the street system improvements outlined above; and

WHEREAS, Dewberry has submitted documentation to the City stating that the cost for the Required and Additional Intersection Improvements was \$3,120,622; and

WHEREAS, Dewberry has paid \$674, 638 in transportation impact fees in connection with the construction of the development at Peachtree Pointe; and

WHEREAS, Dewberry has agreed to reimburse the City for approximately \$35,000 in streetscape improvements to the City's right of way which have not yet been completed;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

Section One: The Mayor or her designee is authorized to execute an agreement on behalf of the City with Dewberry for the purpose of reimbursing the amount of transportation impact fees paid in connection with the Peachtree Pointe Development for completion of the Required Street Improvements and the Additional Street Improvements, as reduced by the amount necessary to complete the streetscape plan and granting to Dewberry transportation impact fee credits for the balance of the cost of such improvements. The amounts specified in this agreement shall not exceed the amounts forth in this ordinance.

Section Two: The agreement authorized by this ordinance shall grant to Dewberry the right to transportation impact fee credits for future development in an amount not to exceed \$2,445,984, which has been calculated by reducing the amount of

the cost for the Required and Additional Intersection Improvements (\$3,120,622) by the amount of the transportation impact fees paid (\$674, 638). The credit shall be limited to those charges approved by the Department of Public Works as necessary and customary for the completion of the Required Street Improvements and the Additional Street Improvements.

Section Three: The agreement authorized by this ordinance shall grant to Dewberry the right to receive a cash reimbursement for transportation impact fees paid at the Peachtree Pointe Development in an amount not to exceed \$674,638. The cash reimbursement shall not be greater than the amount of transportation impact fees actually paid and must be less than charges approved by the Department of Public Works as necessary and customary for the completion of the Required Street Improvements and the Additional Street Improvements.

Section Five: The agreement authorized by this ordinance shall require that Dewberry's cash reimbursement from the City be reduced by the amount necessary to complete the streetscape but not to exceed \$35,000.

Section Six: The Chief Financial Officer is authorized to make such payments as required by this ordinance and direct that the charges and expenses related to this reimbursement be charged to and paid from Code Combination Identification Number deemed appropriate or as indentified by an exhibit to be attached hereto.

Section Seven: The City Attorney is authorized to prepare an appropriate agreement to effectuate the terms of this ordinance and to include such language as is necessary to conclude any outstanding legal issues with regard to the streetscape agreement, provided however that any language concluding such issues may not cause the limit of any amount stated in this ordinance to be exceeded.

Section Eight: This ordinance shall become effective upon its execution by the Mayor or at the time provided by operation of Section 2-403 of the Charter.

AN ORDINANCE BY

08-0-08-0-2435



AN ORDINANCE TO WAIVE ARTICLE X, SECTION 2-1188(11) OF THE CITY OF ATLANTA REAL ESTATE AND PROCUREMENT CODE TO ALLOW THE CHIEF PROCUREMENT OFFICER TO NEGOTIATE THE ADJUSTMENT OF THE BID PRICE, CHANGES IN THE BID REQUIREMENTS AND SCOPE OF WORK WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE PROJECT NUMBERED FC-4670, CONTRACT FOR SEWER GROUP TWO REHABILITATION PHASE I-PIPE BURSTING, CONTRACT C, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, TO THE EXTENT THAT SECTION 2-1188(11) CONFLICTS WITH STATE LAW, O.C.G.A. SECTION 36-91-21(b)(4); TO AUTHORIZE THE CHIEF PROCUREMENT OFFICER TO NEGOTIATE WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR FC-4670; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") did advertise for FC-4670, Contract for Sewer Group Two Rehabilitation Phase I-Pipe Bursting, Contract C ("Project"), on behalf of the Department of Watershed Management; and

WHEREAS, the bid from the lowest responsive and responsible bidder for the Project, Rockdale Pipeline, Inc./Integral Municipal Services Corp., JV included an amount higher than the budget included for the project; and

WHEREAS, O.C.G.A. Section 36-91-21, allows a governmental entity to negotiate with the lowest responsive and responsible bidder if the bid from the apparent low bidder exceeds the project budget; and

WHEREAS, Section 2-1188(11) of the City's Real Estate and Procurement Code authorizes the Chief Procurement Officer to negotiate with the lowest responsive and responsible bidder if, among other things, the bids exceed available funds and the most responsive and responsible bid does not exceed more than five percent more than the available funds; and

WHEREAS, the most responsive and responsible bid exceeded the budgeted amount for the project by 7.18% and it is in the City's best interests to negotiate the bid for the Project in accordance with O.C.G.A. Section 36-91-21(b)(4), which requires waiving the 5% limitation in Section 2-1188(11);

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommend negotiating with the most responsive and responsible bidder for the Project in accordance with O.C.G.A. Section 36-91-21(b)(4) to

E-8

realize cost savings to the City and attempt to secure the contract within budgeted and available funds.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

Section 1: The Chief Procurement Officer is hereby authorized to negotiate FC-4670, Contract for Sewer Group Two Rehabilitation Phase I-Pipe Bursting, Contract C in accordance with O.C.G.A. Section 36-91-21(b)(4).

Section 2: Section 2-1188(11) is hereby waived to the extent that provisions contained therein are in conflict with O.C.G.A. 36-91-21(b)(4).

A RESOLUTION
BY COUNCILMEMBER: ANNE FAUVER

A RESOLUTION TO AMEND RESOLUTION 08-R—1783 TO AUTHORIZE THE MAYOR OR HER DESIGNEE TO ESTABLISH A RECOVERY CHARGE OF 19.8% WHICH REIMBURSES THE CITY FOR COMPENSATION TO MSB GOVERNMENT SERVICES FOR FC-4678-08; FOR DELINQUENT ACCOUNT RECEIVABLES AT A COMPENSATION RATE OF 19.8% OF PRINCIPAL AMOUNT COLLECTED TO BE CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN; ALL REVENUE GENERATED SHALL BE DEPOSITED TO VARIOUS FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") did solicit from qualified consulting firms proposals for FC-4678-08, Financial Collection Services, on behalf of the Department of Finance, to assist the City in the collection of delinquent account receivables for the City.

WHEREAS, in accordance with the guidelines contained in the Procurement Code, the bid for FC-4678-08 was properly awarded to MSB Government Services;

WHEREAS, the City, upon recommendations of the Chief Financial Officer and Chief Procurement Officer shall enter into a two-year-agreement, with an option of two (2) one-year renewals to commence upon the expiration of the initial term of agreement, provided such renewal is approved by Council.

WHEREAS, the City shall compensate MSB Government Services at the rate of 19.8% of principal delinquent accounts receivable;

WHEREAS, the City intends to recover its compensation to MSB through establishing a recovery charge up to 19.8% which is to be added to the delinquent accounts receivable amounts.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that FC-4678-08 Financial Collection Services is amended to include a recovery charge to delinquent accounts receivable amounts.

BE IT FURTHER RESOLVED, *plus interest and fines* that MSB will impose a recovery charge up to 19.8% of the principal amount outstanding but MSB can exercise discretion to settle on amount less than the recovery charge to mitigate disputes.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer be and hereby is directed to prepare said contract for execution by the Mayor, to be approved as to form by the City Attorney.

BE IT FURTHER RESOLVED, that all said services for said contract shall not become binding on the City of Atlanta, and the City of Atlanta shall not incur any liability nor obligation as to said Contract until the same has been signed by the Mayor and delivered to the contracting party.

BE IT FURTHER RESOLVED, that proceeds from Funds will be deposited as follows:

1001 (General Fund) 000002 (General Fund Org) 3441102 (Sanitary Service); 1001 (General Fund) 000002 (General Fund Org) 3212002 (General Business Licenses); 5051 (Water & Wastewater Revenue Fund) 000002 (General Fund Org) 3442101 (Water Service); 5051 (Water & Wastewater Revenue Fund) 000002 (General Revenue Org) 3442551 (Sewer Services); 5051 (Water & Wastewater Revenue Fund) 000002 (General Revenue Org) 3442101 (Water Service); 1001 (General Fund) 000002 (General Revenue Org) 3511717 (Traffic & Parking Fines).

BE IT FURTHER RESOLVED that funds will be charged as follows: 1001 (General Fund) 100501 (DOF Revenue and Collections) 5212001 (Consulting/Professional Services); 1001 (General Fund) 140101 (PRC Commissioner of DPRCA) 5212001 (Consulting/Professional Services) ; 7101 (Agency Fund) 170101 (Commissioner of Watershed Management) 5212001 (Consulting/Professional Services) 1320000 (Chief Executive) 202361 (Collection Fee) 91468 (Agency Fund 9999); 7101 (Agency Fund) 190101 (JDA Municipal Courts Operations) 5212001 (Consulting/Professional Services) 2650000 (Municipal Courts) 202361 Collection Fee-Accts Receivable) 91468 (Agency Fund 9999); 5501 (Airport Revenue Fund) 180101 (DOA Aviation General Manager).

RCS# 2636
12/01/08
4:02 PM

Atlanta City Council

SPECIAL SESSION

08-R-2319 AMEND 08-R-1783 TO AUTH.MAYOR TO EST.A
 RECOVERY CHARGE OF 19.8%
 REFER/FINANCE

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

NV Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

08-R-2319

**A RESOLUTION
BY FINANCE /EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH HONEYWELL, INC. FOR FC-4714, CITYWIDE HVAC SERVICES ON BEHALF OF THE EXECUTIVE OFFICES-OFFICE OF ENTERPRISE ASSETS MANAGEMENT TO INCLUDE THE SITES AND FUNDING OF THE DEPARTMENTS LISTED HEREIN IN AN AMOUNT NOT TO EXCEED ONE MILLION, FIVE HUNDRED FIVE THOUSAND, NINE HUNDRED SIXTY-FOUR DOLLARS AND THIRTY-ONE CENTS (\$1,505,964.31). ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ACCOUNT, AND FUNCTION ACTIVITIES LISTED; AND FOR OTHER PURPOSES.

WHEREAS, the City solicited Bids/Proposals for Contract No. FC-4714, Citywide HVAC services ("Contract"); and

WHEREAS, after reviewing and evaluating the Bids/Proposals, the Officer of the Office Enterprise Assets Management and the Chief Procurement Officer recommend that the Contract be awarded to Honeywell, Inc. ("Contractor"), in an amount not to exceed One Million, Five Hundred Five Thousand, Nine Hundred Sixty-Four Dollars and Thirty-One Cents (\$1,505,964.31).

WHEREAS, the initial term of the Contract will be for a period of (3) year(s), with two (2) one (1) year renewal option(s) to be exercised at the sole discretion of the City; and

WHEREAS, the City has determined that it is desirable and in its best interests to make such recommended award.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor is authorized to execute Contract No. FC-4714, Citywide HVAC Services with Honeywell, Inc., on behalf of the Executive Offices-Office of Enterprise Assets Management to include sites and funding for the departments listed herein in an amount not to exceed One Million, Five Hundred Five Thousand, and Nine Hundred Sixty-Four Dollars and Thirty-One Cents (\$1,505,964.31).

BE IT FURTHER RESOLVED, that all contracted work shall be charged to and paid from the listed Fund, Department Organization and Account numbers: Department of Corrections-1001(General Fund), Department 090307, Account 5222001 (Repair & Maintenance-Buildings), 3420000 Function Activity(Adult Correctional Institute)-\$53,964.31, Office of Enterprise Assets Management-1001(General Fund), Department 040403 (Exe Heating & Air Maintenance), Account 5222001 (Repair & Maintenance-Buildings), 1565000 Function Activity (Gen Gov-Bldgs/ & Plants)-\$100,000.00, Department of Fire 1001 (General Fund), Department 230205 (AFR Fire Stations & Buildings), Account 5222001 (Repair & Maintenance-Buildings), 3570000 (Fire Stations

and Buildings)-\$25,000.00, Department Parks Recreation & Cultural Affairs- PTAE0 Project Number 14100229, Task 101, Award Number 312921230, Account 5413002 (Building Improvements) - Office of Parks Design-\$200,000.00, 3501 (Park Improvement Fund), PTAE0 Project Number 14100229, Task 101, Award Number 350191078, Account 5222002 (Service Repair and Maintenance) Office of Park Design \$300,000.00, Department of Police PATE0 Project Number 24102718, Task 101, Award Number 313621235, Account 5222001 (Repair & Maintenance-Buildings) \$40,000.00; Department of Public Works-Office of Fleet Services-6001(Internal Service Fund), Department 130402 (DPW Fleet Services Operat.), Account 5222001 (Repair & Maintenance-Buildings), 1590000 Function Activity (Customer Service)-\$40,000.00, Department of Public Works-Office of Transportation-120-124 Claire Drive-1001(General Fund), Department 130303 (DPW Traffic Signs & Marki.), Account 5222001 (Repair & Maintenance-Buildings), 4270000 Function Activity (Traffic Engineering)-\$3000.00, 1110-1111 Hill Street-1001(General Fund), Department 130305 (DPW Roadways & Walkways.), Account 5222001 (Repair & Maintenance-Buildings), 4220000 Function Activity (Roadways & Walkways)-\$1,500.00, 1150 North Avenue1001(General Fund), Department 130306 (DPW Roadways & Walkways), Account 5222001 (Repair & Maintenance-Buildings), 4220000 Function Activity (Roadways & Walkways)-\$1,500.00, Department of Watershed Management-Drinking Water-5051 (Water & Wastewater Renewal Fund), Department 170407 (DWM Drinking Water Facility Maintenance), Account 5222001 (Repair & Maintenance-Buildings), 4430000 Function Activity-(Treatment)- \$412,000.00, Construction Management-5052 (Water & Wastewater Renewal & Extension Fund), Department 170303 (DWM Watershed Construction Management), Account 5222001 ((Repair & Maintenance-Buildings), 4240000 Function Activity (Tunnels) -\$30,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170204 (DWM Treatment Plant-RM Clayton), Account 5222001 (Repair & Maintenance-Buildings), 4335000 Function Activity (Sewage Treatment Plants)-\$150,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170205 (DWM Treatment Plant-Utoy), Account 5222001 (Repair & Maintenance-Buildings), 4335000 Function Activity(Sewage Treatment Plants)-\$31,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170205 (DWM Treatment Plant-Utoy), Account 5222001 (Repair & Maintenance-Buildings), 4335000 Function Activity (Sewage Treatment Plants)-\$47,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170206 (DWM Treatment Plant-South River), Account 5222001 (Repair & Maintenance-Buildings), 4335000 Function Activity (Sewage Treatment Plants)-\$30,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170207 (DWM Treatment Plant-Intrenchment Creek), Account 5222001 (Repair & Maintenance-Buildings.), 4335000 Function Activity (Sewage Treatment Plants)-\$25,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170216 (DWM Wastewater Inventory Management), Account 5222001 (Repair & Maintenance-Buildings), 4900000 Function Activity (Sewage Treatment Plants)-\$16,000.00

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the Contract for execution by the Mayor.

BE IT FINALLY RESOLVED, that the Contract will not become binding upon the City, and the City will incur no liability under it until the Contract is executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to Honeywell, Inc.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation? The purpose of this legislation is to enter into a contractual agreement with Honeywell, Inc. for FC-4714-Citywide HVAC services for various departments in an amount not to exceed One Million, Five Hundred Five Thousand, Nine Hundred Sixty-Four Dollars and Thirty-One Cents (\$1,505,964.31).

2. Please provide background information regarding this legislation. This legislation is to enter into a formal agreement with Honeywell, Inc. to provide HVAC Service to various City facilities. The previous contractor for this service was Johnson Controls their contract will expire November 30, 2008. Legislation number 04-R-1304 for FC#7657-04-Service, Repair and Maintenance to Heating, Ventilation and Air Conditioning (HVAC) system authorized the Mayor or her designee to enter into an appropriate contractual agreement with Johnson Controls, Inc., for HVAC service at various City facilities.

3. If Applicable/Known:

- (a) **Contract Type:** Professional Services
- (b) **Source Selection:** 0
- (c) **Bids/Proposals Due:** 1
- (d) **Invitations Issued:** 1
- (e) **Number of Bids:** 1
- (f) **Proposals Received:** 1
- (g) **Bidders/Proponents:** 1
- (h) **Term of Contract:** The contract term is for Three (3) years with Two (2) One (1) year renewal options.

4. Fund Account Center: Department of Corrections-1001(General Fund), Department 090307, Account 5222001 (Repair & Maintenance-Buildings), 3420000 Function Activity(Adult Correctional Institute)-\$53,964.31, Office of Enterprise Assets Management-1001(General Fund), Department 040403 (Exe Heating & Air Maintenance), Account 5222001 (Repair & Maintenance-Buildings), 1565000 Function Activity (Gen Gov-Bldgs/ & Plants)-\$100,000.00, Department of Fire 1001 (General Fund), Department 230205 (AFR Fire Stations & Buildings), Account 5222001 (Repair & Maintenance-Buildings), 3570000 (Fire Stations and Buildings)-\$25,000.00, Department Parks Recreation & Cultural Affairs- PTAE0 Project Number 14100229, Task 101, Award Number 312921230, Account 5413002 (Building Improvements) - Office of Park Design_\$200,000.00, PTAE0 Project Number 14100229, Task 101, Award Number 350191078, Account 5222002 (Service Repair and Maintenance) Office of Park Design -\$300,000.00, Department of Police PATE0 Project Number 24102718, Task 101, Award Number 313621235, Account 5222001 (Repair & Maintenance-Buildings)\$40,000.00; Department of Public Works-Office of Fleet Services-6001(Internal Service Fund), Department 130402 (DPW Fleet Services Operat.), Account 5222001 (Repair & Maintenance-Buildings), 1590000 Function Activity (Customer Service)-\$40,000.00, Department of Public Works-Office of Transportation-120-124 Claire Drive-1001(General Fund), Department 130303 (DPW Traffic Signs & Marki.), Account 5222001 (Repair & Maintenance-Buildings), 4270000 Function Activity (Traffic Engineering)-\$3000.00, 1110-1111 Hill Street-1001(General Fund), Department 130305 (DPW Roadways & Walkways.), Account 5222001 (Repair & Maintenance-Buildings), 4220000 Function Activity (Roadways & Walkways)-\$1,500.00, 1150 North Avenue1001(General Fund), Department 130306 (DPW Roadways & Walkways), Account 5222001 (Repair & Maintenance-Buildings), 4220000 Function Activity (Roadways & Walkways)-\$1,500.00, Department of Watershed Management-Drinking Water-5051 (Water & Wastewater Renewal Fund), Department 170407 (DWM Drinking Water Facility Maintenance),

Account 5222001 (Repair & Maintenance-Buildings), 4430000 Function Activity-(Treatment)-\$412,000.00, Construction Management-5052 (Water & Wastewater Renewal & Extension Fund), Department 170303 (DWM Watershed Construction Management), Account 5222001 ((Repair & Maintenance-Buildings), 4240000 Function Activity (Tunnels) -\$30,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170204 (DWM Treatment Plant-RM Clayton), Account 5222001 (Repair & Maintenance-Buildings), 4335000 Function Activity (Sewage Treatment Plants)-\$150,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170205 (DWM Treatment Plant-Utoy), Account 5222001 (Repair & Maintenance-Buildings), 4335000 Function Activity(Sewage Treatment Plants)-\$31,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170205 (DWM Treatment Plant-Utoy), Account 5222001 (Repair & Maintenance-Buildings), 4335000 Function Activity (Sewage Treatment Plants)-\$47,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170206 (DWM Treatment Plant-South River), Account 5222001 (Repair & Maintenance-Buildings), 4335000 Function Activity (Sewage Treatment Plants)-\$30,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170207 (DWM Treatment Plant-Intrenchment Creek), Account 5222001 (Repair & Maintenance-Buildings.), 4335000 Function Activity (Sewage Treatment Plants)-\$25,000.00, 5051 (Water & Wastewater Renewal Fund), Department 170216 (DWM Wastewater Inventory Management), Account 5222001 (Repair & Maintenance-Buildings), 4900000 Function Activity (Sewage Treatment Plants)-\$16,000.00

5. Source of Funds: General Fund, Water & Wastewater Renewal Fund and Trust Funds.

6. Fiscal Impact: The fiscal impact will be to the above accounts in an amount not to exceed One Million, Five Hundred Five Thousand, Nine Hundred Sixty-Four Dollars and Thirty-One Cents (\$1,505,964.31).

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Perceta Watkins

\$53,964.31	\$53,964.31
\$6,000.00	\$3,000.00
\$25,000.00	\$1,500.00
\$40,000.00	\$1,500.00
\$741,000.00	\$25,000.00
\$100,000.00	\$40,000.00
\$500,000.00	\$412,000.00
\$40,000.00	\$30,000.00
\$1,505,964.31	\$150,000.00
	\$31,000.00
	\$47,000.00
	\$30,000.00
	\$25,000.00
	\$16,000.00
	\$100,000.00
	\$500,000.00
	40,000.00
	\$1,505,964.31

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Perceta Watkins

Contact Number: 404-330-6569

Originating Department: Executive Offices/Office of Enterprise Assets Management

Committee(s) of Purview: Finance /Executive Committee

Chief of Staff Deadline: November 26, 2008

Anticipated Committee Meeting Date(s): December 9-10, 2008

Anticipated Full Council Date: January 5, 2009

Legislative Counsel's Signature: _____

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION

BY FINANCE /EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH HONEYWELL, INC. FOR FC-4714, CITYWIDE HVAC SERVICES ON BEHALF OF THE EXECUTIVE OFFICES-OFFICE OF ENTERPRISE ASSETS MANAGEMENT TO INCLUDE THE SITES AND FUNDING OF THE DEPARTMENTS LISTED HEREIN IN AN AMOUNT NOT TO EXCEED ONE MILLION, FIVE HUNDRED FIVE THOUSAND, NINE HUNDRED SIXTY-FOUR DOLLARS AND THIRTY-ONE CENTS (\$1,505,964.31). ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ACCOUNT, AND FUNCTION ACTIVITIES LISTED; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11/26/08 AC Reviewed by: 11/26/08 AC
(date) (date)

Submitted to Council: _____

**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 2 WITH A-ACTION JANITORIAL SERVICE, INC. FOR FC-7665-04A, CITYWIDE JANITORIAL SERVICES, ON BEHALF OF THE EXECUTIVE OFFICES-OFFICE OF ENTERPRISE ASSETS MANAGEMENT TO APPROPRIATE FY-09 FUNDING ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTEEN THOUSAND, SIX HUNDRED DOLLARS (\$113,600.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM 5051 (WATER & WASTEWATER REVENUE FUND), DEPARTMENT 170407 (DWM DRINKING WATER FACILITY MAINTENANCE), ACCOUNT 5212001 (CONSULTING/PROFESSIONAL SERVICES), 4430000 FUNCTION ACTIVITY (TREATMENT) AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into Contract No. FC7665-04A, Citywide Janitorial Services ("Contract") with A-Action Janitorial Services, Inc. ("Contractor") pursuant to Resolution 05-R-1140 in an amount not to exceed Two Hundred Seventy-One Thousand, Nine Hundred Seventy-Two Dollars and zero cents (\$271,972.00); and

WHEREAS, amendment number 1 increased funding in an amount not to exceed Eight Hundred Fifty-Four Thousand, Three Hundred Thirty-One Dollars and Sixty cents (\$854,331.60) per resolution number 06-R-2666; and

WHEREAS, the City has determined that it is desirable and in its best interest to add funding to the Contract in the amount of One Hundred Thirteen Thousand, Six Hundred Dollars and zero Cents (\$113,600.00) representing more than ten percent (10%) of the original contract amount; and

WHEREAS, accordingly, the Officer, of the Office of Enterprise Assets Management and the Chief Procurement Officer recommend the execution of Amendment No. 2 to the Contract to add such funding in an amount not to exceed of One Hundred Thirteen Thousand, Six Hundred Dollars and Zero Cents (\$113,600.00).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor is authorized to execute Amendment No. 2 to FC- 7665-04A to add funding in an amount not to exceed of One Hundred Thirteen Thousand, Six Hundred Dollars and Zero Cents (\$113,600.00) resulting in a total contract amount not to exceed One Million, Two Hundred Thirty-Nine Thousand, Nine Hundred Three Dollars and Sixty cents (\$1,239,903.60).

BE IT FURTHER RESOLVED, that all contracted work shall be charged to and paid from 5051 (Water & Wastewater Revenue Fund), Department 170407 (DWM Drinking Water Facility Maintenance), Account 5212001 (Consulting/Professional Services), 4430000 Function Activity (Treatment).

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to assist the City Attorney in the preparation of Amendment No. 2 for execution by the Mayor.

BE IT FINALLY RESOLVED, that Amendment No. 2 will not become binding upon the City and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to A-Action Janitorial Service, Inc.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation? The purpose of this legislation is to amend contract FC-7664-04-A, Citywide Janitorial Service with A-Action Janitorial Service Inc. on behalf of the Executive Offices-Office of Enterprise Assets Management to add FY-09 Funding on behalf of the Department of Watershed Management in an amount not to exceed One Hundred Thirteen Thousand, Six Hundred Dollars and zero Cents (\$113,600.00).

2. Please provide background information regarding this legislation.

Legislation No. 05-R-1140 authorized this agreement the compensation set forth in the original Contract is for a total amount not to exceed Two Hundred Seventy-One Thousand, Nine Hundred Seventy-Two Dollars and zero cents (\$271,972.00). Legislation No. 06-R-2666 authorized Amendment No. 1 the compensation set forth in Amendment Number 1 is for a total amount not to exceed Eight Hundred fifty-four thousand, Three Hundred Thirty-One dollars and Sixty cents (\$854,331.60). The compensation set-forth in Amendment No. 2 is for a not to exceed amount of One Hundred Thirteen Thousand, Six Hundred Dollars and zero Cents (\$113,600.00). The total value of the contract is now One Million, Two Hundred Thirty-Nine Thousand, Nine Hundred Three Dollars and Sixty cents (\$1,239,903.60). This contract was adopted by the City Council on July 18, 2005 and approved by the Mayor on July 26, 2005. The term of this contract is for Three (3) years with Two (2) One (1) year renewal options.

3. If Applicable/Known:

- (a) **Contract Type:** Professional Services
- (b) **Source Selection:** 0
- (c) **Bids/Proposals Due:** 1
- (d) **Invitations Issued:** 1
- (e) **Number of Bids:** 1
- (f) **Proposals Received:** 1
- (g) **Bidders/Proponents:** 1
- (h) **Term of Contract:** The contract term is for Three (3) years with Two (2) One (1) year renewal options.

4. Fund Account Center: 5051 (Water & Wastewater Revenue Fund), Department 170407 (DWM Drinking Water Facility Maintenance), Account 5212001 (Consulting/Professional Services), 4430000 Function Activity (Treatment).

5. Source of Funds: Water & Wastewater Revenue Fund

6. Fiscal Impact: The fiscal impact will be to the above account in an amount not to exceed One Hundred Thirteen Thousand, Six Hundred Dollars and zero Cents (\$113,600.00).

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Perceta Watkins

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Perceta Watkins

Contact Number: 404-330-6569

Originating Department: Executive Offices/Office of Enterprise Assets Management

Committee(s) of Purview: Finance /Executive Committee

Chief of Staff Deadline: November 26, 2008

Anticipated Committee Meeting Date(s): December 9-10, 2008

Anticipated Full Council Date: January 5, 2009

Legislative Counsel's Signature: _____

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION

BY FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 2 WITH A-ACTION JANITORIAL SERVICE, INC. FOR FC-7665-04A, CITYWIDE JANITORIAL SERVICES, ON BEHALF OF THE EXECUTIVE OFFICES-OFFICE OF ENTERPRISE ASSETS MANAGEMENT TO APPROPRIATE FY-09 FUNDING ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTEEN THOUSAND, SIX HUNDRED DOLLARS (\$113,600.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM 5051 (WATER & WASTEWATER REVENUE FUND), DEPARTMENT 170407 (DWM DRINKING WATER FACILITY MAINTENANCE), ACCOUNT 5212001 (CONSULTING/PROFESSIONAL SERVICES), 4430000 FUNCTION ACTIVITY (TREATMENT) AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11/26/08 Ae Reviewed by: 11/26/08 Ae
(date) (date)

Submitted to Council: _____

**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 5 TO CONTRACT NO. FC-6005007888B, CITYWIDE SECURITY GUARD SERVICES, BETWEEN THE CITY OF ATLANTA AND DOTHAN SECURITY, INC. ON BEHALF OF THE EXECUTIVE OFFICES-OFFICE OF ENTERPRISE ASSETS MANAGEMENT TO ADD FY-09 FUNDING IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$200,000.00) FOR THE DEPARTMENT OF WATERSHED MANAGEMENT-BUREAU OF SECURITY. ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM 5051 (WATER & WASTEWATER REVENUE FUND), DEPARTMENT 170901 (DWM WATERSHED SECURITY), ACCOUNT 5212001 (CONSULTING/PROFESSIONAL SERVICES), 392000 FUNCTION ACTIVITY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into Contract No. FC-6005007888B, Citywide Security Guard Services ("Contract") with Dothan Security, Inc. ("Contractor") pursuant to Resolution in an amount not to exceed One Million, Six Hundred Eleven Thousand, Eight Hundred Forty-Eight Dollars and zero cents (\$1,611,848.00); and

WHEREAS, per Legislation No. 06-R-2274 authorized Amendment No. 1 the compensation set forth in Amendment Number 1 is for a total amount not to exceed One Million, Four Hundred Forty-Four Thousand, Nine Hundred Forty-Two Dollars and zero cents (\$1,444,942.00); and

WHEREAS, per Legislation No. 07-R-2128 authorized Amendment No. 2 the compensation set forth in Amendment Number 2 is for a total amount not to exceed One Million, Six Hundred Ten Thousand, Two Hundred Fifty-Eight Dollars and zero cents (\$1,610,258.00); and

WHEREAS, per legislation No. 08-R-0180 authorized Amendment No. 3 the compensation set forth in Amendment Number 3 is for a total amount not to exceed One Million, Five Hundred Thousand Dollars and no cents (\$1,500,000.00); and

WHEREAS, per legislation No. 08-R-1203 authorized Amendment No. 4 in an amount not to exceed One Million Dollars and zero cents (\$1,000,000.00); and

WHEREAS, the City has determined that it is desirable and in its best interests to add funding to the Contract in the amount of Two Hundred Thousand Dollars and zero cents (\$200,000.00) representing more than ten percent (10%) of the original contract amount; and

WHEREAS, accordingly, the Officer, of the Office of Enterprise Assets Management and the Chief Procurement Officer recommend the execution of Amendment No. 5 to FC-6005007888B, Citywide Security Guard Services the Contract to add such funding in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor is authorized to execute Amendment No. 5 to FC-6005007888B, Citywide Security Guard Services to add funding in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) resulting in a total contract amount not to exceed amount of Seven Million, Three Hundred Sixty-Seven Thousand, Forty-Eight Dollars and Zero Cents (\$7,367,048.00).

BE IT FURTHER RESOLVED, that all contracted work shall be charged to and paid from 5051 (Water & Wastewater Revenue Fund), Department 170901 (DWM Watershed Security), Account 5212001 (Consulting/Professional Services), 3920000 Function Activity in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00).

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to assist the City Attorney in the preparation of Amendment No. 5 for execution by the Mayor.

BE IT FINALLY RESOLVED, that Amendment No. 5 will not become binding upon the City and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to Dothan Security, Inc.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation? The purpose of this legislation is to amend contract FC#6005007888B, Citywide Security Guard Service with Dothan Security Inc. (DSI) on behalf of the Executive Offices-Office of Enterprise Assets Management to add FY-09 Funding on behalf of the Department of Watershed Management in an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00).

2. Please provide background information regarding this legislation.

Per legislation No. 05-R-1813 the compensation set forth in the original Contract is for a total amount not to exceed One Million, Six Hundred Eleven Thousand, Eight Hundred Forty-Eight Dollars and no cents (\$1,611,848.00). Legislation No. 06-R-2274 authorized Amendment No. 1 the compensation set forth in Amendment Number 1 is for a total amount not to exceed One Million, Four Hundred Forty-Four Thousand, Nine Hundred Forty-Two Dollars and no cents (\$1,444,942.00). Legislation No. 07-R-2128 authorized Amendment No. 2 the compensation set forth in Amendment Number 2 is for a total amount not to exceed One Million, Six Hundred Ten Thousand, Two Hundred Fifty-Eight Dollars (\$1,610,258.00). Legislation No. 08-R-0180 authorized Amendment #3 the compensation set forth in Amendment Number 3 is for a total amount not to exceed One Million, Five Hundred Thousand Dollars and no cents (\$1,500,000.00). Legislation No. 08-R-1203 authorized Amendment No. 4 in an amount not to exceed One Million Dollars (\$1,000,000.00). The total value of the contract is now Seven Million, Three Hundred Sixty-Seven

Thousand, Forty-Eight Dollars and Zero Cents (\$7,367,048.00). This contract was adopted by the City Council on October 3, 2005 and approved by the Mayor on October 10, 2005. The base term of this contract is Three (3) years with Two (2) One (1) year renewal options.

3. If Applicable/Known:

(a) Contract Type: Professional Services

(b) Source Selection: 0

(c) Bids/Proposals Due: 1

(d) Invitations Issued: 1

(e) Number of Bids: 1

(f) Proposals Received: 1

(g) Bidders/Proponents: 1

(h) Term of Contract: The contract term is for Three (3) years with Two (2) One (1) year renewal options.

4. Fund Account Center: 5051 (Water & Wastewater Revenue Fund), Department 170901 (DWM Watershed Security), Account 5212001 (Consulting/Professional Services), 3920000 Function Activity

5. Source of Funds: Water & Wastewater Revenue Fund

6. Fiscal Impact: The fiscal impact will be to the above account in an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00).

7. Method of Cost Recovery: N/A

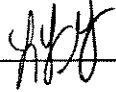
This Legislative Request Form Was Prepared By: Perceta Watkins

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Perceta Watkins

Contact Number: 404-330-6569

Originating Department: Executive Offices/Office of Enterprise Assets Management 

Committee(s) of Purview: Finance /Executive Committee

Chief of Staff Deadline: November 26, 2008

Anticipated Committee Meeting Date(s): December 9-10, 2008

Anticipated Full Council Date: January 5, 2009

Legislative Counsel's Signature: _____

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION

BY FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 5 TO CONTRACT NO. FC-6005007888B, CITYWIDE SECURITY GUARD SERVICES, BETWEEN THE CITY OF ATLANTA AND DOTHAN SECURITY, INC. ON BEHALF OF THE EXECUTIVE OFFICES-OFFICE OF ENTERPRISE ASSETS MANAGEMENT TO ADD FY-09 FUNDING IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$200,000.00) FOR THE DEPARTMENT OF WATERSHED MANAGEMENT-BUREAU OF SECURITY. ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM 5051 (WATER & WASTEWATER REVENUE FUND), DEPARTMENT 170901 (DWM WATERSHED SECURITY), ACCOUNT 5212001 (CONSULTING/PROFESSIONAL SERVICES), 392000 FUNCTION ACTIVITY; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11/26/08 Ae Reviewed by: 11/26/08 Ae
(date) (date)

Submitted to Council: _____

RESOLUTION**BY: COUNCILMEMBER KWANZA HALL**

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN INTERGOVERNMENTAL GRANT AGREEMENT WITH THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) TO ACCEPT A LOCAL ASSISTANCE GRANT ON BEHALF OF HANDS ON ATLANTA IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00) FOR THE PURPOSE OF FUNDING INNOVATIVE AND NEW APPROACHES TO ENCOURAGE VOLUNTEERISM AND CIVIC ENGAGEMENT IN ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") desires to encourage volunteerism and civic engagement of its citizenry; and

WHEREAS, Hands on Atlanta is a non-profit organization that helps individuals, families and corporate and community groups find flexible volunteer opportunities at more than 400 service organizations and schools; and

WHEREAS, the Georgia Department of Community Affairs (DCA) has agreed to provide a local assistance grant to Hands on Atlanta via a Pass-through-grant to the City of Atlanta in an amount of \$10,000.00 for the purpose of encouraging volunteerism and civic engagement in the City of Atlanta.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the Mayor or her designee be and is hereby authorized to enter into an Intergovernmental Agreement with the Georgia Department of Community Affairs (DCA) for the purpose of accepting a pass through grant in the amount of \$10,000.00 on behalf of the non-profit agency Hands on Atlanta for the purpose of encouraging volunteerism and civic engagement in the City of Atlanta.

Section 2: That the City Attorney be and is hereby authorized to sign an agreement with the State of Georgia Department of Community Affairs for the receipt of a pass through grant to Hands on Atlanta in the amount of \$10,000.00.

Section 3: That the aforementioned agreement shall not become binding on the City and the City shall incur no liability upon same until such agreement has been executed by the Mayor and delivered to the contracting parties.

**FINANCE / EXECUTIVE
COMMITTEE**

**HELD
LEGISLATION
12/10/08**

AN AMENDED RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE

06-R-1667

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MASTER AGREEMENT WITH TDC SYSTEMS INTEGRATION, INC. FOR FC-6006007881, CITYWIDE ON-CALL SERVICES FOR INFORMATION TECHNOLOGY STAFFING; AUTHORIZING THE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, THE DIRECTOR OF INFORMATION TECHNOLOGY OF THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE AVIATION INFORMATION SYSTEMS DIRECTOR OF THE DEPARTMENT OF AVIATION TO EXECUTE ALL STATEMENTS OF WORK; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM VARIOUS FUND, ACCOUNT AND CENTER NUMBERS NOT TO EXCEED \$400,000.00 PER YEAR FOR EACH DEPARTMENT, SPECIFICALLY, INFORMATION TECHNOLOGY, WATERSHED MANAGEMENT AND AVIATION, WITH THE TOTAL COST NOT TO EXCEED \$1,200,000.00; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has made upgrades to its information technology infrastructure and applications and continues to upgrade these systems; and

WHEREAS, the City has upcoming information technology projects throughout City departments, including, without limitation, enterprise resource planning implementation, wireless networking, a storm water utility system, an asset management system, and a parking revenue control system; and

WHEREAS, the City's information technology systems require operations and maintenance with various manpower, expertise, and costs; and

WHEREAS, on-call staffing will provide the City with the flexibility to support these systems on an as-needed basis through work requests; and

WHEREAS, the Chief Information Officer of the Department of Information Technology, the Director of Information Technology for the Department of Watershed Management, and the Aviation Information Systems Director of the Department of Aviation will have the authority to execute statements of work on an as-needed basis; and

WHEREAS, the Aviation General Manager, Chief Information Technology Officer and Chief Procurement Officer recommend that an Agreement for FC-6006007881, Citywide On-Call IT Support Staffing, be awarded to TDC Systems Integration, Inc. on a non-exclusive basis; and

WHEREAS, the term of the agreement will be for one (1) year with a single one (1) year renewal option at the City's sole discretion.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to execute a master agreement with TDC Systems Integration, Inc. ("TDC") for FC-6006007881, Citywide On-call Services for Information Technology Staffing on a non-exclusive basis.

BE IT FURTHER RESOLVED, the Chief Information Officer of the Department of Information Technology, the Director of Information Technology for the Department of Watershed Management, and the Aviation Information Systems Director of the Department of Aviation will have the authority to execute statements of work on an as-needed basis for the support of the City's information technology system.

BE IT FURTHER RESOLVED, the term of the agreement will be for one (1) year with a single one (1) year renewal option at the City's sole discretion.

BE IT FURTHER RESOLVED, that all contracted work will be charged to and paid from various Fund, Account and Center Numbers.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an appropriate agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that the Agreement will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to TDC.

**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

06-*R*-1667

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MASTER AGREEMENT WITH TDC SYSTEMS INTEGRATION, INC. FOR FC-6006007881, CITYWIDE ON-CALL SERVICES FOR INFORMATION TECHNOLOGY STAFFING; AUTHORIZING THE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, THE DIRECTOR OF INFORMATION TECHNOLOGY OF THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE AVIATION INFORMATION SYSTEMS DIRECTOR OF THE DEPARTMENT OF AVIATION TO EXECUTE ALL STATEMENTS OF WORK; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM VARIOUS FUND, ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.

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WHEREAS, the City's information technology systems require operations and maintenance with various manpower, expertise, and costs; and

WHEREAS, on-call staffing will provide the City with the flexibility to support these systems on an as-needed basis through work requests; and

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Hartsfield-Jackson
Atlanta International Airport




Shirley Franklin
Mayor

Benjamin R. DeCosta
Aviation General Manager

DATE: May 8, 2006

TO: Adam L. Smith, Chief Procurement Officer
Department of Procurement

FROM: Mario C. Diaz, Deputy General Manager 
Department of Aviation

SUBJECT: FC-6006007881- Citywide On-Call Services for Information
Technology Staffing

Having completed review of RFP responses for subject project, DOA recommends award to the top five (5) ranked proponents, **ETI Inc., Think Development System Inc., DMJM Aviation, Inc./ SL King Technologies, TDC, and Analytic Professional Inc.** Although it was originally our intent to recommend award only to the top four (4) ranked proponents, there was a tie for fourth and fifth place, creating a top five (5), (see attachment for tabulation of scores). Given the diversity of technical staffing that will be required, we believe the City will benefit significantly from having the added option of a fifth team.

The Fund-Account-Center to be used is 2H01-524001-R12006.

If additional information is needed, please contact Philip Keller at 404-209-3175 ext. 151.

Attachment

MCD/pk/l

cc: B. DeCosta
L. Lytle
L. Manigault
M. Eady
P. Keller
C. Bell
A. Williams
G. Geeter
C. Cail
File



City of Atlanta • Department of Aviation
P.O. Box 20509 • Atlanta, GA USA 30320-2509 • Tel: (404) 530-6600 • Fax: (404) 530-6803
Web Site: www.atlanta-airport.com

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton

Megan S. Middleton

Contact Number: 6207

Originating Department: Aviation

Committee(s) of Purview: Finance/Executive

Council Deadline: July 31, 2006

Committee Meeting Date(s): Aug. 16, 2006

Full Council Date: Aug. 21, 2006

Commissioner Signature *Not*

[Signature]

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MASTER AGREEMENT WITH TDC SYSTEMS INTEGRATION, INC. FOR FC-6006007881, CITYWIDE ON-CALL SERVICES FOR INFORMATION TECHNOLOGY STAFFING; AUTHORIZING THE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, THE DIRECTOR OF INFORMATION TECHNOLOGY OF THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE AVIATION INFORMATION SYSTEMS DIRECTOR OF THE DEPARTMENT OF AVIATION TO EXECUTE ALL STATEMENTS OF WORK; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM VARIOUS FUND, ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by Mayor's Office:

8.1.06
(date)

Reviewed by:

[Signature]

Submitted to Council:

8/1/06
(date)

COMMITTEE AMENDMENT FORM

DATE: 8/16/6

COMMITTEE Finance/Executive

PAGE# (S) _____

ORD. LD. # _____

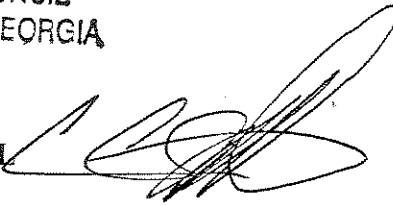
SECTION(S) Caption 4th Resolue
Clause

RESOL I.D. # 06-R-1667

PARAGRAPH _____

AMENDMENT: After the words "Fund, Account and
Center Numbers" in the Caption and the 4th
Whereas Clause insert the phrase "Not to exceed
\$ 400,000.00 ^{per year} for each department, specifically Waterbed
Management, Aviation and Information Technology,
per year, with the total cost not to exceed \$1,200,
000.00.

AN ORDINANCE
BY COUNCILMEMBER CEASAR MITCHELL



AN ORDINANCE TO AMEND THE PROCUREMENT CODE OF
THE CITY OF ATLANTA, GEORGIA BY ADDING TO SECTION
2-1142; MONTHLY REPORT TO CITY COUNCIL; AND FOR
OTHER PURPOSES.

WHEREAS, the City Council of Atlanta, Georgia adopted ordinance 06-O-0381 January 16, 2007 amending the Procurement and Real Estate Code of the City of Atlanta; and

WHEREAS, the limit for contract approval without authorization by City Council was raised to \$300,000.00; and

WHEREAS, the City Council wishes to ensure that it is notified of the intention of the Administration to enter into a contract that does not require Council authorization prior to its execution.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE
CITY OF ATLANTA, AS FOLLOWS:

Section 1: That Section 2-1142 of the Code of the City of Atlanta be amended to read as follows:

Section 2-1142 Monthly report to city council.

The chief procurement officer shall submit to the council and to the municipal clerk

A. Before the 15th of each month a report listing for the previous month the following information:

- (1) The titles of all requests for proposals and the method of source selections to be used;
- (2) All contracts authorized by the council, the method of source selected used and the total dollar amount;
- (3) All contracts authorized by the chief procurement officer pursuant to section 2-1140(2), the method of source selection, as well as all emergency procurements pursuant to section 2-1192.
- (4) All change orders of contract modifications authorized by the council, the dollar amount, and the reason;
- (5) All change orders or contract modifications authorized by the purchasing director pursuant to section 2-1292(a)(1), the dollar amount, and the reason;

- (6) An explanation of any changes, and the costs involved, in the scope of services made between the time a contract is awarded and the time that a resolution authorizing the contract is sent to the council for adoption.

B. Before the 15th of each month a report listing for the upcoming month ~~all~~ all contracts less than \$300,000.00 which are intended to be executed without Council authorization.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

CITY COUNCIL
ATLANTA, GEORGIA.

07-0-0623

AN ORDINANCE
BY COUNCILMEMBER JIM MADDOX

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF 4505 BIRDIE LANE, SW, ATLANTA, GEORGIA, 30331, 0.404 ACRES OF LAND LOCATED IN LAND LOT 61 OF THE 14TH DISTRICT OF FULTON COUNTY TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA, GEORGIA; TO PROVIDE FOR THE NOTIFICATION OF THE DEPARTMENT OF COMMUNITY AFFAIRS OF THE STATE OF GEORGIA OF SUCH ANNEXATION; AND FOR OTHER PURPOSES

WHEREAS, the owner of real property (the "Applicant") has applied to the City of Atlanta for annexation ("the Application") of certain property identified as 4505 Birdie Lane, SW, as more fully described and delineated in Exhibits "A", "B", "C" and "D" attached hereto (the "Property"); and

WHEREAS, the City of Atlanta has determined that the Property is contiguous to the existing corporate limits of the City of Atlanta in excess of the minimum amount required for such annexations under O.C.G.A. 5 36-36-1 et seq.; and

WHEREAS, the City of Atlanta has determined that the Applicant is the title holder of record of 100% of the privately owned land within the Property, as evidenced by the Clerk of the Superior Court of Fulton County, Georgia; and

WHEREAS, the City of Atlanta has lawfully provided notice to Fulton County, Georgia of all required information including notice of the City of Atlanta's receipt of the Application for annexation of the property; and

WHEREAS, all issues between the City of Atlanta and Fulton County regarding the annexation have been resolved prior to the adoption of this ordinance; and

WHEREAS, THE City of Atlanta has complied with all other applicable laws, ordinances and agreements with respect to the processing of the application; and

WHEREAS, the City of Atlanta has authority pursuant to O.C.G.A § 36-36-1 et seq. to annex certain property into the corporate limits of the City of Atlanta, and that the Mayor and Council of the City of Atlanta have determined that the annexation of the property would be in the best interest of the residents and property owners of the area to be annexed and of the citizens of the City of Atlanta; and

WHEREAS, any proposed annexation must be approved by the United States Department of justice pursuant to Section 5 of the Voting Rights Act of 1965; and

WHEREAS, the City of Atlanta has determined that the application meets the requirements of law pursuant to O.C.G.A. § 36-36-1 et seq.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

- Section 1. The Property is hereby annexed to the existing corporate limits of the City of Atlanta, Georgia, pending approval by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 2. There is hereby filed, as part of this Ordinance and identified as Exhibits "A", "B", "C" and "D" a complete survey and legal description of the annexed land.
- Section 3. The Department of Law is hereby authorized and directed to submit to the United States Department of justice all necessary documentation required for the Department's review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 4. The Department of Law is hereby authorized and directed to file a report identifying property annexed with the Department of Community Affairs of the State of Georgia and with the governing authority of Fulton County as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the Property.
- Section 5. This ordinance shall become effective immediately upon approval by the Mayor Unless otherwise specifically stated by law. Notwithstanding the foregoing Sentence, the effective date of this ordinance for school enrollment purposes of the Atlanta Public School System shall be July 1, 2007.
- Section 6. All Ordinances or parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but it is hereby provided that any Ordinance or law, which may be applicable hereto and aid in carrying out the intent, purpose and provisions hereof, shall be liberally construed to be in favor of the City of Atlanta and is hereby adopted as a part hereof.

Exhibit A

Charles A. & Yvonne K. Hammonds

**4505 Birdie Lane, S.W.
Atlanta, GA 30331-7253
404-691-3328**

February 24, 2007

FEB 26 2007

mg

Ms. Rhonda Dauphin Johnson
Atlanta Municipal Clerk
55 Trinity Avenue, S.W.
Atlanta, Georgia 30303

Dear Ms. Johnson:

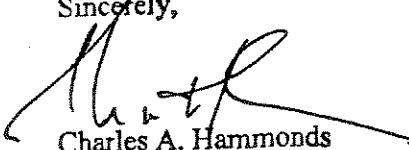
Post Mark Date 2.24.07
By [Signature]

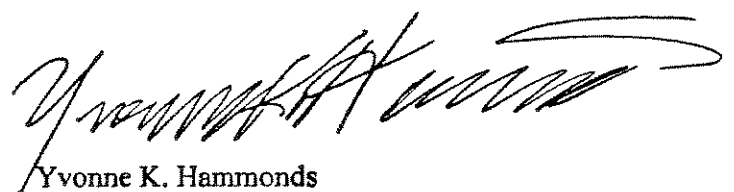
We would like our property at 4505 Birdie Lane, S.W., Atlanta, Georgia, to be annexed into the City of Atlanta, effective immediately.

Total Acreage: 0.404 acres (17,600.00 sq. ft.)
Land Lot: 61 (14F006100020090)
District: 14F
County: Fulton
Owners: Charles A. & Yvonne K. Hammonds

Enclosed are a copy of a surveyor's map and a copy of the legal description of the property.

Sincerely,


Charles A. Hammonds


Yvonne K. Hammonds

Survey map showing three numbered lots (8, 9, 10) and surrounding features:

- Lot 8 (North):**
 - Boundary to Lot 9: $N. 70^{\circ} 25' 21'' E. 176.80'$
 - Boundary to Lot 10: $S. 77^{\circ} 34' 39'' W. 175.00'$
- Lot 9 (Central):**
 - Width (West): $115.00'$
 - Length (South): $93.00'$
 - Building: **OLD STOREY OLE & FEAME #4505**
 - Dimensions around building: $51.8'$ (North), $51.3'$ (South), $50.1'$ (East)
- Lot 10 (South):**
 - Boundary to Lot 9: $S. 77^{\circ} 34' 39'' W. 175.00'$
 - Boundary to East: $20' DE. 433.6'$
- Surrounding Features:**
 - West:** **BIRDIE LANE** (Boundary: $50' E/W$)
 - East:** **NEW ROAD** (Boundary: $643.61'$ TO NEW ROAD)
- Other Notes:**
 - North arrow pointing towards the top left.
 - Distances along Birdie Lane: $29.0'$, $10.5'$, $10.5'$

A circular professional seal for a land surveyor in Georgia. The outer ring contains the text "GEORGIA" at the top and "LAND SURVEYOR" at the bottom, separated by two stars. The inner circle contains the text "REGISTERED" at the top, "No. 1479" in the center, and "A. E. VAUGHN" at the bottom.

Exhibit "C"

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF DEKALB

GARY D. SIMPSON, P.C.
ATTORNEY AT LAW
2300 Henderson Mill Road, N.E.
Decatur Federal Bldg., Suite 211
Atlanta, Georgia 30345
(404) 493-6777

THIS INDENTURE, made this 30th day of April in the
year of our Lord One Thousand Nine Hundred and EIGHTY SEVEN between
Dan L. Simpson

of the State of Georgia and County of Fulton, hereinafter
referred to as GRANTOR, and
Charles Abner Hammonds and Yvonne K. Hammonds

of the State of Georgia and County of Gwinnett, hereinafter
referred to as GRANTEE,

WITNESSETH: That the said GRANTOR, for and in consideration of the sum of TEN AND OTHER
GOOD AND VALUABLE CONSIDERATION ----- (\$ 10.00 -) DOLLARS

and other good and valuable consideration in hand paid, at and before the sealing and delivery of these presents, the
receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant,
bargain, sell and convey unto the said GRANTEE (the terms "GRANTOR" and "GRANTEE" include the respective heirs,
successors and assigns of each where the context requires or permits), the following described real property, to wit:

All that tract or parcel of land lying and being in Land Lot 61, 14th District
Fulton County, formerly Fayette County, Georgia, being Lot 9, Block A, Unit
Four, Phase One, Putters Village Subdivision, as per plat recorded in Plat Book
113, page 98, Fulton County Records, which plat is incorporated herein by
reference for a more particular description.

Subject to easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances
thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of the said
GRANTEE, forever in FREE SIMPLE

Exhibit "D"

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF DEKALB

GARY D. SIMPSON, PC.
ATTORNEY AT LAW
2300 Henderson Mill Road, N.E.
Decatur Federal Bldg., Suite 211
Atlanta, Georgia 30345
(404) 493-6777

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year of our Lord One Thousand Nine Hundred and EIGHTY SEVEN between
Dan L. Simpson

of the State of Georgia and County of Fulton, hereinafter
referred to as GRANTOR, and
Charles Abner Hammonds and Yvonne K. Hammonds

of the State of Georgia and County of Gwinnett, hereinafter
referred to as GRANTEE,

WITNESSETH: That the said GRANTOR, for and in consideration of the sum of TEN AND OTHER
GOOD AND VALUABLE CONSIDERATION----- \$ 10.00--7 DOLLARS

and other good and valuable consideration in hand paid, at and before the sealing and delivery of these presents, the
receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant,
bargain, sell and convey unto the said GRANTEE (the terms "GRANTOR" and "GRANTEE" include the respective heirs,
successors and assigns of each where the context requires or permits), the following described real property, to wit:

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Fulton County, formerly Fayette County, Georgia, being Lot 9, Block A, Unit
Four, Phase One, Putters Village Subdivision, as per plat recorded in Plat Book
113, page 98, Fulton County Records, which plat is incorporated herein by
reference for a more particular description.

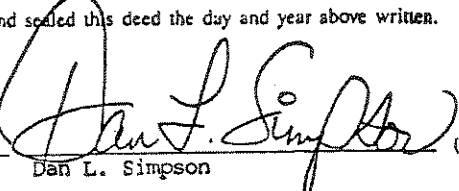
Subject to easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances
thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of the said
GRANTEE, forever, in FEE SIMPLE.

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described property, unto
the said GRANTEE against the claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed this deed the day and year above written.

Signed, sealed and delivered
in the presence of:

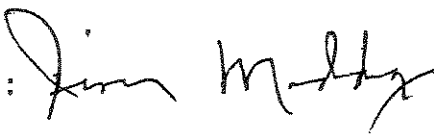

Dan L. Simpson (SEAL)

UNOFFICIAL WITNESS


NOTARY PUBLIC

DeKalb

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE BY: 

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF LAND KNOWN AS THE ORKNEY/LANARK DRIVE COMMUNITY TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA; TO PROVIDE FOR THE NOTIFICATION OF THE DEPARTMENT OF COMMUNITY AFFAIRS; AND FOR OTHER PURPOSES.

WHEREAS, owners of real property and resident electors in the Orkney/Lanark Drive Community have applied to the City of Atlanta for annexation of certain property located within the Orkney/Lanark (Property), as more fully described in exhibit "A" attached hereto; and

WHEREAS, the City of Atlanta has determined that the property is contiguous to the existing corporate limits of the City of Atlanta, and that the applicants include the title holder of record of more than 60% of the privately-owned land within the property, as evidenced by the records of the Fulton County Superior Court and more than 60% of the electors resident of the property, as evidenced by the list of electors drawn from the records of the Fulton County Board of Registrations and Elections; and

WHEREAS, the City of Atlanta has lawfully provided notice to the Board of Commissioners and the County Manager of Fulton County of the City of Atlanta's receipt of the Application for annexation of the property; and

WHEREAS, the City of Atlanta has held a public hearing regarding the application and the Council's consideration thereof and has complied with all applicable laws, ordinances, and agreements with respect to the processing of such application; and

WHEREAS, the City of Atlanta has the authority pursuant to O.C.G.A. §36-36-1 et. seq. to annex certain property into the corporate limits of the City of Atlanta, provided that the Mayor and Council of the City of Atlanta determine that the annexation of the property would be in the best interest of the City and the residents of the area to be annexed; and

WHEREAS, any annexation must be approved by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965; and

WHEREAS, the City of Atlanta has determined that the Application meets the requirements of law pursuant to O.C.G.A. §36-36-1 et. seq.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

- Section 1.** That the Orkney/Lanark Drive Community (Property) is hereby annexed into the existing corporate limits of the City of Atlanta, Georgia.
- Section 2.** The Department of Law is hereby authorized and directed to submit to the United States Department of Justice (DOJ) all necessary documentation required for the DOJ's review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 3.** The Department of Law is hereby authorized to file a report identifying the property annexed with the Department of Community Affairs of the state of Georgia and with the governing authority of Fulton County and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the property.
- Section 4.** This ordinance shall become effective immediately upon approval by the Mayor unless otherwise specifically stated by law. Notwithstanding the foregoing sentence, the effective date of this ordinance for school enrollment purposes of the Atlanta Public School System shall be _____, 2007.
- Section 5.** All ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby waived to the extent of the conflict.

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE BY

07-O-0974

COUNCILMEMBER C. T. MARTIN

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

TO AMEND ARTICLE V, CLASSIFICATION PLAN, OF
THE CODE OF ORDINANCES, CITY OF ATLANTA,
GEORGIA, SO AS TO CREATE TWO HUNDRED
FIFTEEN (215) POSITIONS IN THE ATLANTA POLICE
DEPARTMENT; AND FOR OTHER PURPOSES.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF
ATLANTA, GEORGIA: that Article V, Classification Plan of the Code of Ordinances, City of Atlanta,
Georgia, be and the same is hereby amended as follows:

SECTION 1: POSITION CREATIONS UNCLASSIFIED: That the following positions be and
the same are hereby created in the Unclassified Service in the Atlanta Police Department

ACCOUNT NUMBER	NO. POS.	CLASSIFICATION TITLE	CLASS CODE	PAY GRADE	ANNUAL SALARY
1A01 511001	100	Police Officer (E)(F)(O)(B)(S)	413009	P-2	\$38,556.00-
X*****					\$56,291.00
1A01 511001	100	Police Investigator (E)(F)(O)(B)(S)	413058	P-3	\$43,280.00-
X*****					\$63,187.00
1A01 511001	15	Crime Prevention Insp. (D)	413082	10	\$27,839.00-
X*****					\$40,645.00

SECTION 2: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby
waived.

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE BY//

07-0 -0974

COUNCILMEMBER C. T.MARTIN

TO AMEND ARTICLE V CLASSIFICATION PLAN,
SECTION 114-477, OF THE CODE OF ORDINANCES,
CITY OF ATLANTA, GEORGIA, SO AS TO CREATE
TWO HUNDRED FIFTEEN (215) POSITIONS IN THE
ATLANTA POLICE DEPARTMENT; AND FOR OTHER
PURPOSES.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF
ATLANTA, GEORGIA: that Section 114-477, of the Code of Ordinances, City of Atlanta, Georgia, be
and the same is hereby amended as follows:

SECTION 1: POSITION CREATIONS UNCLASSIFIED: That the following positions be and
the same are hereby created in the Unclassified Service in the Atlanta Police Department

ACCOUNT	NO.	CLASS	PAY	ANNUAL	
<u>NUMBER</u>	<u>POS.</u>	<u>CLASSIFICATION TITLE</u>	<u>CODE</u>	<u>GRADE</u>	<u>SALARY</u>
1AO1 511001	100	Police Officer (E)(F)(O)(B)(S)	413009	P-2	\$38,556.00
X*****					\$56,291.00
1AO1 511001	100	Police Investigator (E)(F)(O)(B)(S)	413058	P-3	\$43,280.00
X*****					\$63,187.00
1AO1 511001	15	Crime Prevention Insp. (D)	413082	10	\$27,839.00
X*****					\$40,645.00

A SUBSTITUTION ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE

07-O-1087

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ALLOW THE CITY TO IMPOSE A VERIFICATION/CONVENIENCE FEE IN THE AMOUNT OF FOUR DOLLARS AND FIFTY CENTS (\$4.50) ON CREDIT CARDS USERS, ON-LINE PAYMENT USERS, ELECTRONIC CHECK USERS, OR INTERACTIVE VOICE RESPONSE USERS SUBMITTING PAYMENTS FOR FEES AND/OR FINES IMPOSED BY THE CITY OF ATLANTA SUCH AS THOSE ASSOCIATED WITH TRAFFIC ENFORCEMENT AND WATER AND WASTEWATER CITY SERVICES; TO RECOVER THE COST THE CITY PAYS TO THIRD-PARTY VENDORS TO PROCESS SUCH PAYMENTS; ALL COLLECTED FUNDS WILL BE DEPOSITED INTO VARIOUS FUND ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has provided persons seeking to pay fines or fees imposed by the City with the convenience of making payments utilizing electronic checks, debit or credit cards; and

WHEREAS, the City contracts with third-party vendors to validate electronic checks using the Automated Clearing House (ACH) system and other verification systems; and

WHEREAS, the City contracts with third-party vendors to utilize the convenient Interactive Voice Response (IVR) system and to provide confirmation of the validity of debit or credit card information provided by customers in processing payments; and

WHEREAS, the City has established a robust on-line payment program consisting of on-line payment services for parking tickets, water and wastewater charges, permit fees, excise taxes, and business licenses; and

WHEREAS, the City seeks to recover the cost of verifying, validating, and authorizing IVR payments, customer electronic checks, debit or credit cards payments; and

WHEREAS, pursuant to Section 2-105(a) of the City of Atlanta Code of Ordinances, the City Council shall not adopt an ordinance or resolution to establish a fee or increase the amount of an existing fee, until notice of the pending legislation is published in a newspaper of general circulation, and the appropriate standing committee of the City Council holds at least one public hearing regarding said legislation; and

WHEREAS, Visa does not allow a percentage based convenience fee for parking, water and wastewater, and permit fees but does allow a flat rate of \$4.50; and

WHEREAS, the City currently incurs costs by paying the associated convenience fees to third-party vendors.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows;

SECTION 1:

That the Chief Financial Officer is authorized to impose a verification/convenience fee in the amount of Four Dollars And Fifty Cents (\$4.50) on Credit Cards Users, On-Line Payment Users, Electronic Check Users, or Interactive Voice Response Users submitting payments for fines or fees imposed by the City to recover the cost the city pays to third-party vendors to process such payments.

SECTION 2:

That the verification/convenience fee imposed shall be used to pay third-party vendors to validate electronic checks, credit cards and debit card payments using the Automated Clearing House (ACH) system, the Interactive Voice Response (IVR) system, and other convenience and/or verification systems to provide confirmation of the validity of the electronic check, debit or credit card information provided by customers.

SECTION 3:

That such funds shall be deposited to various fund account and center numbers designated for the deposit of the fee or fine imposed by the City.

SECTION 4: That all ordinances and parts of ordinance in conflict herewith are hereby waived to the extent of the conflict.

RCS# 1371
8/20/07
4:41 PM

Atlanta City Council

REGULAR SESSION

07-O-1087

AUTH.CFO TO ALLOW CITY TO IMPOSE \$4.50
~~FEE ON CREDIT CARD USERS, ONLINE PAYERS~~
REFER/FINANCE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 2
ABSENT 0

Y Smith	E Archibong	Y Moore	Y Mitchell
Y Hall	E Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

07-O-1087

CONDITION FOR APPROVAL FORM
(TO ACCOMPANY LEGISLATION)

COMMITTEE: Finance / Economic

DATE: 8/1/7

ORDINANCE # 07-0-1087 RESOLUTION # _____

REQUESTED BY: Committee

DIRECTED TO: Administration

NATURE OF CONDITION FOR APPROVAL:

Advertiser change on Channel 26, Send to NPD + AABC
and do all things necessary to educate the public
of the fee change and when the fee will be charged

WHEN IS THIS INFORMATION DUE, AND TO WHOM?

Prior to the 8/20/7 Full Council meeting to, All
Council members

WILL THIS RESULT IN AN AMENDMENT TO THE LEGISLATION?

YES () NO ()

WILL THIS RESULT IN A SUBSTITUTE TO THE LEGISLATION?

YES () NO ()

HAS THIS INFORMATION BEEN RECEIVED? YES () NO (X)

DATE OF RECEIPT: _____

A SUBSTITUTE ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE

07-O-1087

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ALLOW THE CITY TO IMPOSE A VERIFICATION/CONVENIENCE FEE IN THE AMOUNT OF FOUR DOLLARS AND FIFTY CENTS (\$4.50) ON CREDIT CARDS USERS, ON-LINE PAYMENT USERS, ELECTRONIC CHECK USERS, OR INTERACTIVE VOICE RESPONSE USERS SUBMITTING PAYMENTS FOR FEES AND/OR FINES IMPOSED BY THE CITY OF ATLANTA SUCH AS THOSE ASSOCIATED WITH TRAFFIC ENFORCEMENT AND WATER AND WASTEWATER CITY SERVICES; TO RECOVER THE COST THE CITY PAYS TO THIRD-PARTY VENDORS TO PROCESS SUCH PAYMENTS; ALL COLLECTED FUNDS WILL BE DEPOSITED INTO VARIOUS FUND ACCOUNT AND CENTERS.

WHEREAS, the City of Atlanta ("City") has provided persons seeking to pay fines or fees imposed by the City with the convenience of making payments utilizing electronic checks, debit or credit cards; and

WHEREAS, the City contracts with third-party vendors to validate electronic checks using the Automated Clearing House (ACH) system and other verification systems; and

WHEREAS, the City contracts with third-party vendors to utilize the convenient Interactive Voice Response (IVR) system and to provide confirmation of the validity of debit or credit card information provided by customers in processing payments; and

WHEREAS, the City has established a robust on-line payment program consisting of on-line payment services for parking tickets, water and wastewater charges, permit fees, excise taxes, and business licenses; and

WHEREAS, the City seeks to recover the cost of verifying, validating, and authorizing IVR payments, customer electronic checks, debit or credit cards payments; and

WHEREAS, pursuant to Section 2-105(a) of the City of Atlanta Code of Ordinances, the City Council shall not adopt an ordinance or resolution to establish a fee or increase the amount of an existing fee, until notice of the pending legislation is published in a newspaper of general circulation, and the appropriate standing committee of the City Council holds at least one public hearing regarding said legislation; and

WHEREAS, Visa does not allow a percentage based convenience fee for parking, water and wastewater, and permit fees but does allow a flat rate of \$4.50; and

WHEREAS, the City currently incurs costs by paying the associated convenience fees to third-party vendors.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows;

SECTION 1:

That the Chief Financial Officer is authorized to impose a verification/convenience fee in the amount of Four Dollars And Fifty Cents (\$4.50) on Credit Cards Users, On-Line Payment Users, Electronic Check Users, or Interactive Voice Response Users submitting payments for fines or fees imposed by the City to recover the cost the city pays to third-party vendors to process such payments.

SECTION 2:

That the verification/convenience fee imposed shall be used to pay third-party vendors to validate electronic checks, credit cards and debit card payments using the Automated Clearing House (ACH) system, the Interactive Voice Response (IVR) system, and other convenience and/or verification systems to provide confirmation of the validity of the electronic check, debit or credit card information provided by customers.

SECTION 3:

That such funds shall be deposited to various fund account and center numbers designated for the deposit of the fee or fine imposed by the City.

SECTION 4: That all ordinances and parts of ordinance in conflict herewith are hereby waived to the extent of the conflict.

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE

07- 0 -1087

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ALLOW THE CITY TO IMPOSE A CONVENIENCE FEE IN THE AMOUNT OF FOUR DOLLARS AND FIFTY CENTS (\$4.50) ON CREDIT CARDS USERS, ON-LINE PAYMENT USERS, ELECTRONIC CHECK USERS, SUBMITTING PAYMENTS FOR WATER AND WASTEWATER CITY SERVICES, TO RECOVER THE COST THE CITY PAYS TO THIRD-PARTY VENDORS TO PROCESS SUCH PAYMENTS; ALL COLLECTED FUNDS WILL BE DEPOSITED INTO FUND ACCOUNT AND CENTER NUMBER 2J01 (WATER AND WASTEWATER REVENUE FUND) 641307 (CREDIT CARD) B00001 (CONVENIENCE FEE); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") provides its customers with the convenience of ~~making payments utilizing electronic checks, debit or credit cards; and~~

~~WHEREAS, the City contracts with third-party vendors to validate electronic checks using the Automated Clearing House (ACH) system and other verification systems; and~~

WHEREAS, the City contracts with third-party vendors to utilize the Interactive Voice Response (IVR) system and to provide confirmation of the validity of debit or credit card information provided by customers in processing payments; and

WHEREAS, the City has established a robust on-line payment program consisting of on-line payment services for parking tickets, water and wastewater charges, permit fees, excise taxes, and business licenses; and

WHEREAS, the City seeks to recover the cost of verifying, validating, and authorizing customer electronic checks, debit or credit cards payments; and

WHEREAS, pursuant to Section 2-105 (a) of the City of Atlanta Code of Ordinances, the City Council shall not adopt an ordinance or resolution to establish a fee or increase the amount of an existing fee, until notice of the pending legislation is published in a newspaper of general circulation, and the appropriate standing committee of the City Council holds at least one public hearing regarding said legislation; and

WHEREAS, Visa does not allow a percentage based convenience fee for parking, water and wastewater, and permit fees but does allow a flat rate of \$4.50; and

WHEREAS, the City currently incurs costs by paying the associated convenience fees to third-party vendors.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows;

SECTION 1:

That the Chief Financial Officer is authorized impose a convenience fee in the amount of Four Dollars And Fifty Cents (\$4.50) on Credit Cards Users, On-Line Payment Users, Electronic Check Users, submitting payments for water and wastewater city services to recover the cost the city pays to third-party vendors to process such payments.

SECTION 2:

That the fee imposed shall be used to pay third-party vendors to validate electronic checks, credit cards and debit card payments using the Automated Clearing House (ACH) system, the Interactive Voice Response (IVR) system, and other verification systems to provide confirmation of the validity of the electronic check, debit or credit card information provided by customers.

SECTION 2:

That such funds shall be deposited in the Fund Account and Center Number used to pay the costs associated with the acceptance of IVR payments, namely, 2J01 (Water and Wastewater) 641307 (Credit Card) B00001 (Convenience Fee).

SECTION 3: That all ordinances and parts of ordinance in conflict herewith are hereby waived to the extent of the conflict.

RCS# 1202
6/04/07
3:01 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 2

Y Smith	B Archibong	Y Moore	Y Mitchell
NV Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	B Maddox	E Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II

Part II: Legislative White Paper:

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/Executive

Caption:

**AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ASSESS INTERACTIVE VOICE RESPONSE USERS, IN MAKING PAYMENTS FOR WATER AND WASTEWATER CITY SERVICES, A CONVENIENCE FEE IN THE AMOUNT OF FOUR DOLLARS AND FIFTY CENTS (\$4.50) TO RECOVER THE COST THE CITY PAYS TO THIRD-PARTY VENDORS TO PROCESS SUCH PAYMENTS; COLLECTED FUNDS WILL BE DEPOSITED INTO FUND ACCOUNT AND CENTER NUMBER 2J01 (WATER AND WASTEWATER REVENUE FUND) 641307 (CREDIT CARD) B00001 (CONVENIENCE FEE); AND FOR OTHER PURPOSES.

Council Meeting Date: May 21, 2007

Requesting Dept.: Department of Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to recover the cost the city pays to the third-party vendor to process Credit card payment On IVR payment users convenience fee in the amount of four dollars and fifty cents (4.50) for payment of associated user fee and convince fee.

2. Please provide background information regarding this legislation.

On 2/19/07, the City Council passed legislation and the Mayor approved on 2/27/07; to implement a convenience fee for Online Customers that make payments via Credit Card. As per the legislation, a flat rate of \$4.50 is to be applied for each online credit card transaction that is fee based i.e. water fee, permit fee, parking fee.

3. If Applicable/Known:

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc):
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center: 2J01 (Water and Wastewater) 641307 (Credit Card) B00001 (Convenience Fee)

Fund: _____ **Account:** _____ **Center:** _____

5. Source of Funds:

6. Fiscal Impact: The flat rate of \$4.50 will be applied for each online credit card transaction for IVR payment users to FAC 2J01 (Water and Wastewater) 641307 (Credit Card) B00001 (Convenience Fee),

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Elizabeth D'Agostino

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): M. Theresa Stewart

Contact Number: x6207

Originating Department: Department of Watershed Management

Committee(s) of Purview: Finance/Executive

Council Deadline: May 21, 2007

Anticipated Committee Meeting Date(s): May 29, 2007

Anticipated Full Council Date: Monday, June 4, 2007

Commissioner Signature

Robert J. Hunter xP

Chief Procurement Officer Signature

CAPTION

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ALLOW THE CITY TO IMPOSE A CONVENIENCE FEE IN THE AMOUNT OF FOUR DOLLARS AND FIFTY CENTS (\$4.50) ON CREDIT CARDS USERS, ON-LINE PAYMENT USERS, ELECTRONIC CHECK USERS, SUBMITTING PAYMENTS FOR WATER AND WASTEWATER CITY SERVICES, TO RECOVER THE COST THE CITY PAYS TO THIRD-PARTY VENDORS TO PROCESS SUCH PAYMENTS; ALL COLLECTED FUNDS WILL BE DEPOSITED INTO FUND ACCOUNT AND CENTER NUMBER 2J01 (WATER AND WASTEWATER REVENUE FUND) 641307 (CREDIT CARD) B00001 (CONVENIENCE FEE); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO:

(date)

Received by LC from CPO:

(date)

Received by Mayor's Office:

5-15-07
(date)

Reviewed by:

[Signature]
(date)

Submitted to Council:

5/21/07 (date)

A RESOLUTION
BY COUNCILMEMBER JOYCE M. SHEPERD

Joyce M. Sheperd

07-R-1904

A RESOLUTION BY COUNCILMEMBER JOYCE M. SHEPERD THAT ENCOURAGES MEMBERS OF THE UNITED STATES CONGRESS TO SUPPORT THE EMPLOYEE FREE CHOICE ACT WHICH AUTHORIZES THE NATIONAL LABOR RELATIONS BOARD TO CERTIFY A UNION AS THE BARGAINING REPRESENTATIVE WHEN A MAJORITY OF EMPLOYEES VOLUNTARILY SIGN AUTHORIZATIONS DESIGNATING THAT UNION TO REPRESENT THEM.

WHEREAS, in 1935, the United States established, by law, that workers must be free to form unions; and

WHEREAS, the freedom to form or join a union is internationally recognized by the 1948 Universal Declaration of Human Rights as a fundamental human right; and

WHEREAS, the free choice to join with others and bargain for better wages and benefits is essential to economic opportunity and good living standards; and

WHEREAS, unions benefit communities by strengthening living standards, stabilizing tax bases, promoting equal treatment and enhancing civic participation; and

WHEREAS, states in which more people are union members are states with higher wages, better benefits and better schools; and

WHEREAS, union workers receive better wages and benefits, with union workers earning 29 percent more than workers without a union, 35 percent more likely to have access to health insurance, and are four times more likely to have access to a guaranteed defined benefit pension; and

WHEREAS, unions help raise workers' pay and narrow the income gap for minorities and women, by increasing median weekly earnings by 31 percent for union women workers, 31 percent for African-American workers, 50 percent for Latino workers, 9 percent for Asian American workers; and

WHEREAS, workers across the nation are routinely denied the freedom to form unions and bargain for a better life, with 25 percent of private-sector employers illegally firing at least one worker for union activity during organizing campaigns; and

WHEREAS, 77 percent of the public believes it is important to have strong laws protecting the freedom for workers to make their own decision about having a union, and 58 percent of workers would join a union if they had the chance; and

WHEREAS, employers often refuse to bargain fairly with workers after forming a union by dragging out first contract bargaining for up to two years in 45 percent of successful campaigns; and

WHEREAS, each year millions of dollars are spent to frustrate workers' efforts to form unions, and most violations of workers' freedom to choose a union occur behind closed doors, with 78 percent of employers forcing employees to attend mandatory anti-union meetings; and

WHEREAS, when the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases and job safety standards disappear; and

WHEREAS, a worker's fundamental right to choose a union free from coercion and intimidation is a public issue that requires public policy solutions, including legislative remedies; and

WHEREAS, the Employee Free Choice Act has been introduced in the U.S. Congress in order to restore workers' freedom to join a union;

WHEREAS, The Employee Free Choice Act will safeguard workers' ability to make their own decisions with these abuses, provide for first contract mediation and arbitration, and establish meaningful penalties when employers violate workers' rights.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Council of the City of Atlanta encourage our United State Congress to support the Employee Free Choice Act which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them; provide for first contract mediation and arbitration; and establish meaningful penalties for violations of a worker's freedom to choose a union.

BE IT FURTHER RESOLVED, that we urge Congress to pass the Employee Free Choice Act to protect and preserve for America's workers their freedom to choose for themselves whether or not to form a union.

BE IT FINALLY RESOLVED, The Municipal Clerk is directed to send a copy of this Resolution to all members of the Georgia United State Congressional Delegation.

A RESOLUTION**BY: COUNCILMEMBER CEASAR C. MITCHELL****A RESOLUTION TO SUPPORT H.R. 2447 TO ESTABLISH AN ENERGY AND ENVIRONMENT BLOCK GRANT PROGRAM THAT IS PRESENTLY BEFORE THE UNITED STATES CONGRESS; AND FOR OTHER PURPOSES.**

WHEREAS, global warming is becoming one of the most serious challenges facing the world today; and

WHEREAS, global warming causes toxic pollution, worldwide sea level rise, increased strength of hurricanes, changes in agricultural yields, species extinction, glacier retreat, and an increase in the incidences of infectious diseases; and

WHEREAS, certain human behavior and activity contribute to the emission of greenhouse gases, which, in turn, cause global climate change; and

WHEREAS, global climate change poses a serious threat to the delicate marine ecosystems and the natural environment; and

WHEREAS, nations, states, corporations and individuals must take actions now to reduce emissions of heat-trapping gases in order to protect the environment, health and economic well-being of current and future generations; and

WHEREAS, these actions call for a greater reliance on alternate, cleaner and renewable energy sources; and

WHEREAS, Congressmen Albert R. Wynn of Maryland introduced an energy bill (H.R. 2447) on May 23, 2007, to assist cities, counties and states in their energy efficiency efforts to reduce emissions of greenhouse gases and global warming; and

WHEREAS, the bill is called the "Energy and Environment Block Grant Act of 2007", which would establish a new block grant program, modeled on the Community Development Block Grant (CDBG) program, to provide funds for local energy initiatives, including "green" building projects, building and home energy conservation programs, alternative fuels, and "Smart Growth" planning and zoning; and

WHEREAS, the U. S. Conference of Mayors, based in Washington DC, has endorsed the program and has been lobbying for the measure, which authorizes \$4 billion for fiscal year 2008; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Atlanta City Council endorses H.R. 2447 "Energy and Environment Block Grant Act of 2007" that is presently before the United States Congress.

SECTION 2: That the Atlanta City Council urges the Georgia Congressional Delegation to support H.R. 2447, a copy of which is attached and made a part of this legislation.

SECTION 3: That the Municipal Clerk is hereby directed to forward a copy of this resolution to all members of the Georgia delegation in the United States Congress.

HR 2447 IH

110th CONGRESS

1st Session

H. R. 2447

To establish an Energy and Environment Block Grant Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 23, 2007

Mr. WYNN (for himself, Mr. TURNER, Mr. ENGEL, Mr. PALLONE, Mr. KENNEDY, Mr. INSLEE, Mr. BUTTERFIELD, Mr. WEINER, Mr. HASTINGS of Florida, and Mr. CARNAHAN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish an Energy and Environment Block Grant Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Energy and Environment Block Grant Act of 2007'.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Based on a recent United Nations report, the world scientific community now agrees that global warming is caused by the emission of greenhouse gases from human behavior and activity.

(2) The United States, while representing less than 5 percent of the

world's population, releases a projected 25 percent of all greenhouse gases emitted worldwide.

(3) Local governments are particularly well positioned to develop, implement, and promote energy efficiency and greenhouse gas reduction strategies at the community level, as part of a comprehensive national strategy to address global warming.

(4) The release of significant amounts of greenhouse gases occurs as a result of energy consumed by buildings and homes, and 39,300,000 new homes and 20,000,000,000 square feet of commercial office space are projected to be constructed between 2007 and 2031.

(5) Local governments, through revised building codes, building inspection, and the promotion of energy efficient retrofits and conservation measures, are uniquely positioned to work with their local business communities to encourage energy efficiency and greenhouse gas reduction strategies within the building construction and management sectors.

(6) The development of community-based conservation programs that reduce the usage of energy in homes and transportation will yield immediate and significant reductions of a jurisdiction's overall carbon emissions. Many cities have already signed Climate Protection Agreements, including a goal of all buildings being carbon neutral by 2030.

(7) Local governments control or influence land use, transportation, and development planning that directly impacts the design of a community, a major factor in the amount of greenhouse gases emitted.

(8) The development of local energy and environment comprehensive plans will provide local governments the strategies they need to establish specific energy efficiency and greenhouse gas emission reduction goals and milestones.

SEC. 3. DEFINITIONS.

For purposes of this Act--

(1) the term 'eligible entity' means a State or an eligible unit of local government within a State;

(2) the term 'eligible unit of local government' means--

(A) a city with a population of at least 50,000; and

(B) a county with a population of at least 200,000;

(3) the term 'greenhouse gas' means--

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; and

(G) any other anthropogenically-emitted gas that is determined by the Secretary, after notice and comment, to contribute to global warming to a non-negligible degree;

(4) the term 'Secretary' means the Secretary of Energy; and

(5) the term 'State' means one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

SEC. 4. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish an Energy and Environment Block Grant Program to make block grants to eligible entities as provided in this Act.

SEC. 5. ALLOCATIONS.

(a) In General- Of the funds appropriated for making grants under this Act for each fiscal year, the Secretary shall allocate 70 percent to be provided to eligible units of local government as provided in subsection (b) and 30 percent to be provided to States as provided in subsection (c).

(b) Eligible Units of Local Government- The Secretary shall provide grants to eligible units of local government according to a formula giving equal weight to--

(1) population, according to the most recent available Census data; and

(2) daytime population, or another similar factor such as square footage

of commercial, office, and industrial space, as determined by the Secretary.

(c) States- The Secretary shall provide grants to States according to a formula based on population, according to the most recent available Census data.

(d) Publication of Allocation Formulas- Not later than 90 days before the beginning of any fiscal year in which grants are to be made under this Act, the Secretary shall publish in the Federal Register the formulas for allocation described in subsection (b)(1) and (b)(2).

SEC. 6. ELIGIBLE ACTIVITIES.

Funds provided through a grant under this Act may be used for the following activities:

(1) Development and implementation of an Energy Efficiency and Climate Protection Strategy under section 8 or 9.

(2) Retaining technical consultant services to assist an eligible entity in the development of such Strategy, including--

(A) estimation of the 1990 levels of greenhouse gas emissions within the jurisdiction of the eligible entity;

(B) determination of baseline greenhouse gas emissions for 2006 or the most recent year for best available data;

(C) formulation of energy efficiency and greenhouse gas emission reduction goals;

(D) identification of strategies to meet such goals through major emitters of greenhouse gases;

(E) identification of strategies to encourage behavioral changes among the populace that will help achieve such goals;

(F) development of methods to measure progress in achieving such goals;

(G) development and preparation of annual reports to the citizenry of the eligible entity's energy efficiency and greenhouse gas reduction strategies and goals, and progress in achieving them;

(H) analysis of potential mitigation strategies to offset the negative environmental impacts of global warming on the community; and

(I) other services to assist in the implementation of the Energy Efficiency and Climate Protection Strategy.

(3) Conducting energy audits.

(4) Development and implementation of weatherization programs.

(5) Creation of financial incentive programs for energy efficiency retrofits, including zero-interest or low-interest revolving loan funds.

(6) Grants to nonprofit organizations and governmental agencies for energy retrofits.

(7) Development and implementation of energy efficiency programs and technologies for buildings and facilities of nonprofit organizations and governmental agencies.

(8) Development and implementation of building and home energy conservation programs, including--

~~-----~~(A) design and operation of the programs;~~-----~~

(B) research on the most effective methods for achieving maximum participation and efficiency rates;

(C) public education;

(D) measurement protocols; and

(E) Identification of energy efficient technologies.

(9) Development and implementation of transportation fuel conservation programs, including--

(A) promotion of public transit ridership;

(B) car pooling;

(C) reduction of vehicle miles traveled;

(D) increase in trip efficiencies;

(E) use of flex time by employers;

(F) satellite work centers; and

(G) other measures that have the effect of increasing fuel

efficiencies and decreasing fuel consumption.

(10) Development and implementation of alternative fuel technologies in public fleets that result in significant greenhouse gas emission reductions, including the retrofitting of diesel bus fleets with high technology exhaust filters and the purchase of zero-emission hydrogen fuel cell buses.

(11) Development and implementation of alternative fuel infrastructure that results in significant reductions in greenhouse gas emissions.

(12) Development and implementation of intelligent transportation systems designed to reduce congestion and related greenhouse gas emissions.

(13) Development and implementation of building codes and inspection services for public, commercial, industrial, and single and multifamily residential buildings to promote energy efficiency.

(14) Application and implementation of alternative energy and energy distribution technologies that significantly increase energy efficiency and reduce greenhouse gas emissions, including solar, wind, geothermal, district heating and cooling systems, and other renewable energy resources.

(15) Development and promotion of land use guidelines or requirements that result in energy efficiency and greenhouse gas emission reductions, including mixed use development, transit-oriented development, active living land use planning, and alternative transportation infrastructure such as bike lanes and pathways, pedestrian-oriented transportation, and parking for alternative forms of transportation.

(16) Promotion of greater participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency and reductions in greenhouse gas emissions.

(17) Establishment of an office to assist in the development and implementation of the Energy Efficiency and Climate Protection Strategy.

SEC. 7. INELIGIBLE ACTIVITIES.

Funds provided through a grant under this Act may be not used for the following activities:

(1) Purchase or leasing of equipment or vehicles for the private sector.

(2) Purchase of pollution control equipment for private electric utilities.

SEC. 8. REQUIREMENTS FOR ELIGIBLE UNITS OF LOCAL GOVERNMENT.

(a) Proposed Strategy- Not later than 1 year after being awarded a grant under this Act, an eligible unit of local government shall submit to the Secretary a proposed Energy Efficiency and Climate Protection Strategy which establishes goals for increased energy efficiency and reduction of greenhouse gas emissions in the jurisdiction of the eligible units of local government. The Strategy shall include plans for the use of funds received under the grant to assist the eligible unit of local government in the achievement of such goals, consistent with sections 6 and 7. In developing such a Strategy, an eligible unit of local government shall take into account any plans for the use of funds by adjoining eligible units of local governments funded under this Act.

(b) Approval- The Secretary shall approve or disapprove a proposed Strategy submitted under subsection (a) not later than 90 days after receiving it. If the Secretary disapproves a proposed Strategy, the Secretary shall provide to the eligible unit of local government the reasons for such disapproval. The eligible unit of local government may revise and resubmit the Strategy, as many times as required, until approval is granted.

(c) Funding for Preparation of Strategy-

(1) IN GENERAL- Until the Secretary has approved a proposed Energy Efficiency and Climate Protection Strategy under subsection (b), the Secretary shall only disburse to an eligible unit of local government \$200,000 or 20 percent of the grant, whichever is greater, which may be used only for preparation of the Strategy.

(2) REMAINDER OF FUNDS- The remainder of an eligible unit of local government's grant funds awarded but not disbursed under paragraph (1) shall remain available and shall be disbursed by the Secretary upon approval of the Strategy.

(d) Limitations on Use of Funds- Of the amounts provided through a grant under this Act, an eligible unit of local government may use--

(1) not more than 10 percent, or \$75,000, whichever is greater, for administrative expenses, not including expenses needed to meet reporting requirements under this Act;

(2) not more than 20 percent, or \$250,000, whichever is greater, for the establishment of revolving loan funds; and

(3) not more than 20 percent, or \$250,000, whichever is greater, for subgranting to nongovernmental organizations for the purpose of assisting in the implementation of the Energy Efficiency and Climate Protection Strategy.

(e) Annual Report- Not later than 2 years after receipt of the first disbursement of funds from a grant awarded under this Act, and annually thereafter, an eligible unit of local government shall submit a report to the Secretary on the status of the Strategy's development and implementation, and, where practicable, a best available assessment of energy efficiency gains and greenhouse gas reductions within the jurisdiction of the eligible unit of local government.

SEC. 9. REQUIREMENTS FOR STATES.

(a) Allocation of Grant Funds- A State receiving a grant under this Act shall use at least 70 percent of the funds received to provide subgrants to units of local government in the State that are not eligible units of local government. The State shall make such subgrant awards not later than 6 months after approval of the State's Strategy under subsection (c).

(b) Proposed Strategy- Not later than 120 days the date of enactment of this Act, each State shall submit to the Secretary a proposed Energy Efficiency and Climate Protection Strategy which establishes a process for making subgrants described in subsection (a), and establishes goals for increased energy efficiency and reduction of greenhouse gas emissions in the jurisdiction of the State. The Strategy shall include plans for the use of funds received under a grant under this Act to assist the State in the achievement of such goals, consistent with sections 6 and 7.

(c) Approval- The Secretary shall approve or disapprove a proposed Strategy submitted under subsection (b) not later than 90 days after receiving it. If the Secretary disapproves a proposed Strategy, the Secretary shall provide to the State the reasons for such disapproval. The State may revise and resubmit the Strategy, as many times as required, until approval is granted.

(d) Funding for Preparation of Strategy-

(1) IN GENERAL- Until the Secretary has approved a proposed Energy Efficiency and Climate Protection Strategy under subsection (b), the Secretary shall only disburse to a State \$200,000 or 20 percent of the grant, whichever is greater, which may be used only for preparation of the Strategy.

(2) REMAINDER OF FUNDS- The remainder of a State's grant funds awarded but not disbursed under paragraph (1) shall remain available

and shall be disbursed by the Secretary upon approval of the Strategy.

(e) Limitations on Use of Funds- Of the amounts provided through a grant under this Act, a State may use not more than 10 percent for administrative expenses.

(f) Annual Reports- A State shall annually report to the Secretary on the development and implementation of its Strategy. Each such report shall include--

- (1) a status report on the State's subgrant program described in subsection (a);
- (2) a best available assessment of energy efficiency gains and greenhouse gas reductions achieved through the State's Strategy; and
- (3) specific energy efficiency and greenhouse gas reduction goals for future years.

SEC. 10. REVIEW AND EVALUATION.

The Secretary may review and evaluate the performance of grant recipients, including by performing audits, and may deny funding to such grant recipients for failure to properly adhere to--

- (1) the Secretary's guidelines and regulations relating to the program under this Act, including the misuse or misappropriation of funds; or
- (2) the grant recipient's Strategy.

SEC. 11. OFFICE OF ENERGY AND ENVIRONMENTAL BLOCK GRANTS.

(a) Establishment- The Secretary shall establish an Office of Energy and Environmental Block Grants to administer the program under this Act. The Director of the Office shall have the title of Assistant Secretary for Energy Efficiency and Climate Protection.

(b) State and Local Advisory Committee- The Office shall establish a State and Local Advisory Committee to provide it advice regarding the administration, direction, and evaluation of the program under this Act, and to assist in developing priorities for the Research, Technical Assistance, and Education Program established under section 12.

(c) Authorization of Appropriations- There are authorized to be appropriated to the Secretary for administrative expenses of the Office established under

subsection (a)--

- (1) \$20,000,000 for fiscal year 2008;
- (2) \$20,000,000 for fiscal year 2009;
- (3) \$25,000,000 for fiscal year 2010;
- (4) \$25,000,000 for fiscal year 2011; and
- (5) \$30,000,000 for fiscal year 2012.

SEC. 12. RESEARCH, TECHNICAL ASSISTANCE, AND EDUCATION PROGRAM.

(a) Establishment- The Office of Energy and Environmental Block Grants shall establish and carry out a Research, Technical Assistance, and Education Program to provide--

- (1) technical assistance to State and local governments;
- (2) public education programs;
- (3) demonstration of innovative energy efficiency and greenhouse gas reduction systems, technologies, and practices; and
- (4) research and development of effective measurement methodologies, methods for changing or influencing public participation in energy efficiency and greenhouse gas reduction programs, and other methods to increase public awareness of, and action on, the global warming crisis.

(b) Eligible Recipients- Eligible recipients of assistance under this section shall include State and local governments, State and local government associations, public and private nonprofit organizations, and colleges and universities.

(c) Authorization of Appropriations- There are authorized to be appropriated to the Secretary for carrying out this section \$150,000,000 for each of the fiscal years 2008 through 2012.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for grants under this Act--

- (1) \$4,000,000,000 for fiscal year 2008;

- (2) \$4,000,000,000 for fiscal year 2009;
- (3) \$5,000,000,000 for fiscal year 2010;
- (4) \$5,000,000,000 for fiscal year 2011; and
- (5) \$6,000,000,000 for fiscal year 2012.

END

A RESOLUTION

BY: COUNCILMEMBER CEASAR C. MITCHELL

A RESOLUTION TO ENDORSE HR 3535 HOMEBUYER'S PROTECTION ACT OF 2007 PENDING IN THE UNITED STATES CONGRESS; TO URGE THE GEORGIA CONGRESSIONAL DELEGATION TO SUPPORT THE ACT; AND FOR OTHER PURPOSES.

WHEREAS, the number of foreclosure sales in metro Atlanta nearly tripled from 15,253 in 2000 to 44,971 in 2006, according to a report published by Equity Depot, an Atlanta company that tracks foreclosures; and

WHEREAS, a significant number of foreclosures is caused by subprime loans; and

WHEREAS, in July, 2007, Georgia had the second highest home foreclosure rate in the country with southwest Atlanta, DeKalb County and Clayton County having the highest rates of foreclosure in metro Atlanta; as reported in the Atlanta Journal-Constitution, dated September 9, 2007; and

WHEREAS, the epidemic of foreclosures has devastated thousands of homeowners across Atlanta, both financially and emotionally; and

WHEREAS, homeowners with subprime mortgage loans often face the following difficulties: (1) higher monthly payments after the initial rate adjustment; (2) additional expenses for property taxes and homeowners insurance that were not escrowed; and (3) incurring high refinancing fees; and

WHEREAS, as foreclosures depress property values, local governments will eventually be hit by a decrease in property tax revenues; and

WHEREAS, Representative Paul Hodes of New Hampshire introduced H.R. 3535, entitled "Homebuyer's Protection Act of 2007", in the House of Representatives on September 14, 2007; and

WHEREAS, reducing subprime foreclosures is the aim of the H.R. 3535, which will amend the Truth in Lending Act by requiring escrow accounts for the payment of property taxes and insurance for all subprime loans, and expand the coverage of appraisal requirements under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Atlanta City Council endorses H.R. 3535 (Homebuyer's Protection Act of 2007) pending in the United States Congress.

SECTION 2: That the Atlanta City Council urges the Georgia Congressional Delegation to support H.R. 3535, a copy of which is attached and made a part of this legislation.

SECTION 3: That the Municipal Clerk is hereby directed to forward a copy of this resolution to all members of the Georgia delegation in the United States Congress.

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Homebuyer's Protection Act of 2007 (Introduced in House)

HR 3535 IH

110th CONGRESS

1st Session

H. R. 3535

To amend the Truth in Lending Act to require escrow accounts for the payment of property taxes and insurance for all subprime loans, and to expand the coverage of the appraisal requirements under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES**September 14, 2007**

Mr. HODES (for himself and Ms. MOORE of Wisconsin) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Truth in Lending Act to require escrow accounts for the payment of property taxes and insurance for all subprime loans, and to expand the coverage of the appraisal requirements under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Homebuyer's Protection Act of 2007'.

SEC. 2. ESCROW ACCOUNTS REQUIRED FOR SUBPRIME LOANS.

(a) In General- Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129 the following new section:

'Sec. 129A. Escrow or impound accounts relating to certain consumer credit transactions

'(a) In General- A creditor, in connection with the formation or consummation of a subprime mortgage , shall establish, at the time of the consummation of such mortgage , an escrow or impound account for the payment of taxes and hazard insurance as provided in, and in accordance with, this section, unless such an account already exists.

'(b) Duration of Escrow or Impound Account- An escrow or impound account established pursuant to this section, shall remain in existence for as long as the subprime mortgage is outstanding.

'(c) Administration of Escrow or Impound Accounts- Except as may otherwise be provided for in this title or in regulations prescribed by the Board, escrow or impound accounts established pursuant to this section shall be established in an insured depository institution.

'(d) Disclosures Relating to Escrow or Impound Account-

'(1) IN GENERAL- In the case of any impound, trust, or escrow account that is subject to this section, the creditor shall disclose by written notice to the consumer within 3 business days before the consummation of the consumer credit transaction giving rise to such account the following information:

'(A) The fact that an escrow or impound account will be established at consummation of the transaction.

'(B) The amount required at closing to initially fund the escrow or impound account.

'(C) The amount in the initial year of the estimated taxes and hazard insurance premiums.

'(D) The estimated monthly amount payable for taxes and hazard insurance.

'(2) REGULATIONS- The Board shall prescribe by regulation the contents of the notice required in paragraph (1) no later than 90 days after the date of the enactment of the Homebuyer's Protection Act of 2007.

'(e) Hazard Insurance Defined- For purposes of this section, the term 'hazard insurance' shall have the same meaning as provided under the law of the State

where the real property securing the consumer credit transaction is located.'.

(b) Clerical Amendment- The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129 the following new item:

'129A. Escrow or impound accounts relating to certain consumer credit transactions.'.

SEC. 3. SCOPE OF APPRAISAL REQUIREMENTS.

(a) In General- Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) is amended by striking 'federally related transaction' and 'federally related transactions' each place each such term appears and inserting 'real estate related financial transaction' or 'real estate related financial transactions', as the case may be.

(b) Technical and Conforming Amendments-

(1) The heading of section 1120 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3349) is amended by striking 'federally related transactions' and inserting 'real estate related financial transactions'.

(2) Section 1121 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350) is amended--

(A) by striking paragraph (4); and

(B) in paragraph (5), by striking 'any transaction involving' and inserting 'any consumer transaction involving'.

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08-O-0295

AN ORDINANCE
BY: COUNCILMEMBER H. LAMAR WILLIS

AN ORDINANCE TO REcind ORDINANCE
07-O-2410; AND FOR OTHER PURPOSES.

WHEREAS on January 30, 2008, the Mayor addressed the City Council Finance/Executive Committee and indicated that the City 2008 General Fund Budget is projected to have a \$70,000,000.00 short fall; and

WHEREAS Ordinance 07-O-2410 was adopted by Council November 19, 2007 and approved by the Mayor November 21, 2007; and

WHEREAS Ordinance 07-O-2410 amended the City Classification Plan and Pay Plan so as to implement a New Pay Structure for Pay Grade 43 through Pay Grade 50 and the Executive Pay Structure, Grade Amend and Salary Adjust positions in support of the Fiscal Year 2007/2008 Budget; and

WHEREAS the Council and Mayor were not aware of the projected \$70,000,000.00 2008 Budget shortfall at the time that this ordinance was adopted and approved; and

WHEREAS the projected 70,000,000.00 short fall in the 2008 Budget effects a crisis in the operation of the City and provision of services; and

WHEREAS the Council and Mayor are seeking ways to reduce the projected 2008 Budget shortfall; and

WHEREAS the Mayor and City Council cannot support increasing the pay structure and salaries of Senior and executive management personnel during the current budget crisis; and

WHEREAS rescission of ordinance 07-O-2410 is one measure to reduce the projected deficit.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA that;

SECTION 1: Ordinance 07-O-2410 is rescinded in its entirety.

SECTION 2: Any changes in the salaries of individual employees made based upon the salary structure authorized by Ordinance 07-O-2410 be rescinded and returned to the grade and pay level held by that individual prior to such change

SECTION 3: All ordinances and parts of ordinances in conflict herewith be and the same are hereby waived.

An Ordinance by _____

08-0-_____

TWELFTH SUPPLEMENTAL BOND ORDINANCE

A TWELFTH SUPPLEMENTAL BOND ORDINANCE SUPPLEMENTING THE RESTATED AND AMENDED MASTER BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON MARCH 20, 2000, AS PREVIOUSLY AMENDED AND SUPPLEMENTED, TO AUTHORIZE THE ISSUANCE BY THE CITY OF ATLANTA OF ITS VARIABLE RATE AIRPORT GENERAL REVENUE REFUNDING BONDS, SERIES 2008A, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$550,000,000, EACH TO BEAR INTEREST IN A VARIABLE RATE MODE; TO REFUND ALL OR A PORTION OF THE CITY'S VARIABLE RATE AIRPORT GENERAL REVENUE REFUNDING BONDS, SERIES 2003RF-B AND SERIES 2003RF-C; TO PROVIDE FOR A REASONABLY REQUIRED DEBT SERVICE RESERVE; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS; TO MAKE CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; TO PROVIDE CERTAIN TERMS AND DETAILS OF SAID BONDS, INCLUDING AUTHORIZING DELEGATED NEGOTIATED SALES OF SAID BONDS; TO PROVIDE FOR THE EXECUTION OF CERTAIN AGREEMENTS RELATING TO ONE OR MORE CREDIT AND/OR LIQUIDITY FACILITIES WITH RESPECT TO THE SERIES 2008A BONDS; TO PAY EXPENSES RELATING THERETO; TO AUTHORIZE THE PREPARATION, USE AND DISTRIBUTION OF ONE OR MORE PRELIMINARY AND FINAL OFFICIAL STATEMENTS IN CONNECTION WITH THE OFFER AND SALE OF THE SERIES 2008A BONDS; TO PROVIDE FOR THE ANNUAL SUBMISSION OF CERTAIN FINANCIAL INFORMATION AND OPERATING DATA PURSUANT TO RULE 15C2-12 OF THE SECURITIES AND EXCHANGE COMMISSION; TO DESIGNATE ONE OR MORE UNDERWRITERS AND REMARKETING AGENTS, AND A TENDER AND PAYING AGENT AND TO APPROVE FORMS OF VARIOUS OTHER AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS; PROVIDING FOR INCIDENTAL ACTION; PROVIDING FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER RELATED PURPOSES.

A SUBSTITUTE ORDINANCE
BY FINANCE/ EXECUTIVE COMMITTEE

08-O-0402

AN ORDINANCE AUTHORIZING THE CHIEF PROCUREMENT OFFICER TO PURCHASE PROPERTY LOCATED AT 207/211 VINE STREET, N.W., AND 601/605 SPENCER STREET, N.W., ATLANTA, GEORGIA 30314; TO PROVIDE FOR THE APPRAISAL OF THE PROPERTY; TO OBTAIN TITLE REPORTS; TO NEGOTIATE THE PURCHASE PRICE OF THE PROPERTY; TO AUTHORIZE THE USE OF LEGAL PROCEEDINGS IF NECESSARY TO OBTAIN THE PROPERTY; TO ACCEPT FUNDS IN THE AMOUNT OF \$725,000.00 PLUS FUNDS FOR OTHER EXPENSES FROM THE ATLANTA DEVELOPMENT AUTHORITY TO BE APPLIED TOWARDS THE PURCHASE OF THE PROPERTY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") desires to provide transitional and permanent housing for 30 intact families; and

WHEREAS, as part of the housing program, the families will receive support services which will allow the residents to develop and implement a plan for self-sufficiency; and

WHEREAS, the City wishes to purchase property located at the corner of 207/211 Vine Street, N.W., and 601/605 Spencer Street, N.W., (collectively the "Property") for the construction of the housing units; and

WHEREAS, the Atlanta Development Authority anticipates providing a Homeless Opportunity Grant in the amount of \$725,000.00 to be applied towards the purchase of the Property, plus funds to pay any and all expenses to obtain clear title and to transfer the Property to the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the property located at 207/211 Vine Street, N.W., and 601/605 Spencer Street, N.W., is useful and necessary to the City.

SECTION 2: That the Chief Procurement Officer is hereby authorized to obtain title reports, an appraisal, and land survey for said property.

SECTION 3: That the Chief Procurement Officer is further authorized to enter into negotiations with the owner of the property.

SECTION 4: That the City Attorney is hereby authorized to institute necessary legal action to acquire said property if negotiations with the owner are unsuccessful.

SECTION 5: That the City is authorized to accept funds in the amount of \$725,000.00 plus funds to pay any and all expenses to obtain clear title and to transfer the Property to the City from the Atlanta Development Authority for the purchase of the property.

SECTION 6: That the City Attorney is hereby directed to take the necessary actions to close the transaction and prepare for execution all documents that the City Attorney deems necessary or advisable to carry into effect the intent of this Ordinance.

SECTION 7: That all Ordinances and parts of Ordinances in conflict herewith are hereby waived to the extent of the conflict.

AN ORDINANCE
BY FINANCE/ EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE CHIEF PROCUREMENT OFFICER TO PURCHASE PROPERTY LOCATED AT 207/211 VINE STREET AND 601/605 SPENCER STREET, ATLANTA, GEORGIA 30314; TO PROVIDE FOR THE APPRAISAL OF THE PROPERTY; TO OBTAIN TITLE REPORTS; TO NEGOTIATE THE PURCHASE PRICE OF THE PROPERTY; TO AUTHORIZE THE USE OF LEGAL PROCEEDINGS IF NECESSARY TO OBTAIN THE PROPERTY; TO ACCEPT FUNDS IN THE AMOUNT OF \$725,000.00 FROM THE ATLANTA DEVELOPMENT AUTHORITY TO BE APPLIED TOWARDS THE PURCHASE OF THE PROPERTY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") desires to provide transitional and permanent housing for 30 intact families; and

WHEREAS, as part of the housing program, the families will receive support services which will allow the residents to develop and implement a plan for self-sufficiency; and

WHEREAS, the City wishes to purchase property located at the corner of 207/211 Vine Street and 601/605 Spencer Street for the construction of the housing units; and

WHEREAS, the Atlanta Development Authority has agreed to donate \$725,000.00 in Homeless Opportunity Funds to be applied towards the purchase of the property.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the property located at 207/211 Vine Street and 601/605 Spencer Street is useful and necessary to the City.

SECTION 2: That the Chief Procurement Officer is hereby authorized to obtain title reports, an appraisal, and land survey for said property.

SECTION 3: That the Chief Procurement Officer is further authorized to enter into negotiations with the owner of the property.

SECTION 4: That the City Attorney is hereby authorized to institute necessary legal action to acquire said property if negotiations with the owner are unsuccessful.

SECTION 5: That the City is authorized to accept funds in the amount of \$725,000.00 from the Atlanta Development Authority for the purchase of the property.

SECTION 6: That the City Attorney is hereby directed to take the necessary actions to close the transaction and prepare for execution all documents that the City Attorney deems necessary or advisable to carry into effect the intent of this Ordinance.

SECTION 7: That all Ordinances and parts of Ordinances in conflict herewith are hereby waived to the extent of the conflict.

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 83 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found located at the intersection formed by the northerly right of way line of Spencer Street (30 foot right of way) and the easterly right of way line of a 10-foot alley, said iron pin found being located 125.30 feet easterly from the intersection formed by the easterly right of way line of Vine Street (30 foot right of way) and the northerly right of way line of Spencer Street, as measured along the northerly right of way line of Spencer Street; thence leaving the northerly right of way line of Spencer Street and running northerly along the easterly right of way line of a 10-foot alley, North 00 degrees 34 minutes 55 seconds West, a distance of 259.71 feet to an iron pin found; thence leaving the easterly right of way line of said 10-foot alley and running South 89 degrees 05 minutes 15 seconds East, a distance of 159.89 feet to an iron pin found on the westerly right of way line of a 10-foot alley; thence running southeasterly along the westerly right of way line of said 10-foot alley, South 00 degrees 28 minutes 20 seconds East, a distance of 132.84 feet to an iron pin found; then leaving the westerly right of way line of said 10-foot alley and running North 89 degrees 32 minutes 55 seconds West, a distance of 39.96 feet to a pk nail; thence running South 00 degrees 46 minutes 25 seconds East, a distance of 125.33 feet to an iron pin found on the northerly right of way line of Spencer Street; thence running northwesterly along the northerly right of way line of Spencer Street, North 89 degrees 40 minutes 05 seconds West, a distance of 120.06 feet to the iron pin found at the TRUE POINT OF BEGINNING, as shown and delineated on that certain Survey for vine City Housing Ministry Inc., Resolution Trust Corporation, Urban Residential Finance Authority and Old Republic Title National Title Insurance Co., dated April 1, 1994, prepared by Tru-Line Surveying Inc., and bearing the seal of W.E. Clonts, GRLS No. 2166.

AND

BEGINNING at a point on the East side of Vine Street seventy-eight and seven-tenths (78.7) feet north of the northeast corner of Vine Street and Spencer Street, which point is located at the northwest corner of Lot 2 of the said Inglis Company property; running thence north along the east side of Vine Street eight-eight and five tenths (88.5) feet to the southwest corner of Lot 5 of the said Inglis Company property; running thence east along the south line of said Lot 5 one hundred twelve and four-tenths (112.4) feet to a point on the west side of a ten (10) foot alley, which point is located at the southeast corner of said Lot 5; running thence south along the west side of said ten (10) foot alley eighty-eight and five-tenths (88.5) feet to the northeast corner of Lot 2 of said Inglis Company property; running thence west along the north line of said Lot 2 one hundred thirteen and eight-tenths (113.8) feet to the east side of Vine Street at the point of beginning.

And

All that tract or parcel of land lying and being in Land Lot 83 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the northeast corner of Vine Street and Spencer Street, thence running East long the North side of Spencer Street 115.3 feet to a point at the intersection of Spencer Street and a ten-foot alley; thence running North 78.3 feet along the westerly line of said ten-foot alley a distance of 78.3 feet to a point; thence running westerly and parallel to Spencer Street a distance of 114 feet to a point located on the East side of Vine Street; thence running South along the East side of Vine Street 78.3 feet to the point of beginning.

F:\Docs\CORP\Atlanta Development Authority\Foreclosure Actions\Revised Deed under power of sale.doc

RCS# 1771
3/03/08
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS: 8
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 3
ABSENT 0

NV Smith	Y Archibong	Y Moore	E Mitchell
Y Hall	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	NV Maddox	E Willis
Y Winslow	NV Muller	E Sheperd	NV Borders

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: _____

Contact Number: _____ GPRIDGEON 6115

Originating Department: Mayor's Office

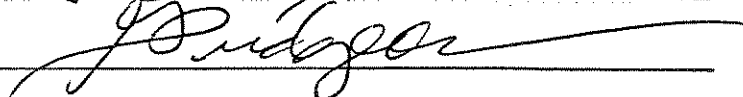
Committee(s) of Purview: Finance/ Executive Committee

Chief of Staff Deadline: January 30, 2008

Anticipated Committee Meeting Date(s): February 12-13, 2008

Anticipated Full Council Date: February 18, 2008

Legislative Counsel's Signature: 

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AUTHORIZING THE CHIEF PROCUREMENT OFFICER TO PURCHASE PROPERTY LOCATED AT 207/211 VINE STREET AND 601/605 SPENCER STREET, ATLANTA, GEORGIA 30314; TO PROVIDE FOR THE APPRAISAL OF THE PROPERTY; TO OBTAIN TITLE REPORTS; TO NEGOTIATE THE PURCHASE PRICE OF THE PROPERTY; TO AUTHORIZE THE USE OF LEGAL PROCEEDINGS IF NECESSARY TO OBTAIN THE PROPERTY; TO ACCEPT FUNDS IN THE AMOUNT OF \$725,000.00 FROM THE ATLANTA DEVELOPMENT AUTHORITY TO BE APPLIED TOWARDS THE PURCHASE OF THE PROPERTY; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$725,000.00

Mayor's Staff Only

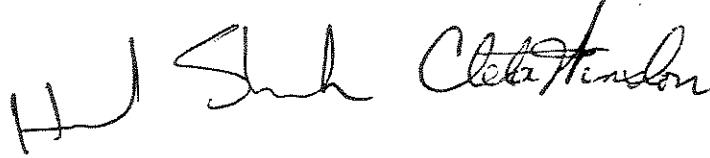
Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: 2/7/08  (date) Reviewed by:  (date)

Submitted to Council: _____ (date)

A RESOLUTION

BY



A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE FULTON COUNTY DISTRICT ATTORNEY FOR A PERIOD OF THREE YEARS IN AN AMOUNT NOT TO EXCEED TWENTY SIX THOUSAND DOLLARS AND NO CENTS (\$26,000.00) PER MONTH FOR SERVICES FOR THE CITY OF ATLANTA UNDER FOR CONSULTATION AND SUPPORT SERVICES TO VICTIMS AND WITNESSES OF CRIME; ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 3P01 (AGENCY FUND) 264017 (MUNI COURT VW ASST PRG (MCVW)) A00001 (BALANCE SHEET CENTER); AND FOR OTHER PURPOSES.

WHEREAS, the state has authorized the creation of a fund to pay for witness and victim assistance services; and

WHEREAS, the City of Atlanta and Fulton County both offer these services; and

WHEREAS, it would be beneficial and more efficient to have one entity provide these services; and

WHEREAS, it is important to ensure that victims and witnesses of crime receive these support services; and

WHEREAS, the Fulton County Attorney is willing to provide these services on behalf of the City of Atlanta through his current program.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor is authorized to enter into an Intergovernmental Agreement (IGA) with the Fulton County District Attorney for the provision of witness and victim assistance services.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to remit payment for the services identified in Section one of this ordinance to the Fulton County District Attorney; and

BE IT FURTHER RESOLVED, that the IGA will be in a form approved by the City Attorneys office.

BE IT FINALLY RESOLVED, that all resolutions or parts thereof in conflict with this resolution are hereby waived to the extent of the conflict.

AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ENGAGE ON BEHALF OF THE CITY OF ATLANTA TO ESTABLISH AND IMPLEMENT A COST NEUTRAL DEFERRED RETIREMENT OPTION RETIREMENT PLAN AS AN ADDITIONAL BENEFIT FOR THE MEMBERS OF THE CITY OF ATLANTA FIREFIGHTER'S PENSION FUND AND THE CITY OF ATLANTA POLICE OFFICERS PENSION FUND; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta desires to implement a tool in order to better manage changes in the composition of its workforce; and

WHEREAS, the ability to better anticipate reductions of experienced personnel enables the administration to anticipate workforce replacement costs; and

WHEREAS, the City Administration believes that a Deferred Retirement Option Plan ("DROP") will enhance the City's ability to manage its public safety workforce; and

WHEREAS, the replacement costs of experienced personnel is heightened in the Police Department and the Fire Department; and

WHEREAS, any implemented DROP, as modeled in Exhibit A, hereto attached, must be actuarially determined to be cost neutral to the City of Atlanta; and

WHEREAS, the City of Atlanta desires to implement a DROP as part of the pension benefits offered to the members of the City of Atlanta Police Officers Pension Fund and the City of Atlanta Firefighters' Pension Fund.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That new sections 6-334 and 6-483 of the Atlanta City Code of Ordinances are respectively created as reflected in Exhibits A and B attached hereto, in order to amend the City of Atlanta Police Officers and the City of Atlanta Firefighters Pension Benefits as to incorporate a DROP within the existing pension benefits for members of the City of Atlanta Police Officers Pension Fund and the City of Atlanta Firefighters Pension Fund.

SECTION 2: That any DROP incorporated within the existing benefits provided by Sections 6-334 and 6-483 of the Atlanta City Code of Ordinances shall be determined cost neutral by the respective plans' actuary.

SECTION 3: That any modifications to the DROP in its final form conform to the parameters set forth in this legislation.

SECTION 4: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

EXHIBIT A

CITY OF ATLANTA, FIREFIGHTER DEFERRED RETIREMENT OPTION PLAN

SECTION 483.1

DEFINITIONS

Defined terms in section 483.1 are applicable only to section 483 in its entirety.

- (a) **"Beneficiary"** shall mean any person, persons or entity entitled to receive a benefit under the Pension Fund in the event of the Participant's death.
- (b) **"Board"** shall mean the Board of the City of Atlanta, Firefighters Pension Fund.
- ~~(c) **"City"** shall mean the City of Atlanta, Georgia.~~
- (d) **"Drop"** shall mean the City of Atlanta, Firefighters Deferred Retirement Option Plan.
- (e) **"Drop Account"** shall mean the account established for each DROP participant under Section 3.1.
- (f) **"Eligible Employee"** shall mean any person employed by the City as an "officer or employee" 6.367 of the 1978 Pension Act.
- (g) **"Participant"** shall mean any Eligible Employee who elects to participate in the DROP in accordance with Section 2.2.
- (h) **"Plan Year"** shall mean the 12 month period beginning on any July 1st and ending on the immediately following June 30th.
- (i) **"Pension Fund"** shall mean the 1978 Pension Act, as amended and incorporated in the *City of Atlanta Code and Ordinances*, Article IV, §§ 6-366 through 6-430.

SECTION 483.2 PARTICIPATION

(a) **Eligibility to Participate**

In lieu of terminating his or her employment with the City as an Eligible Employee, any Eligible Employee actively employed by the City who would be eligible to retire and receive a retirement benefit under Section 6-367 of the 1978

Pension Act may elect to remain employed by the City as an Eligible Employee, defer receipt of such retirement benefit and participate in the DROP.

(b) Election to Participate

(1) An Eligible Employee who meets the requirements of Section 2.1 shall become a Participant in the DROP by:

- a. electing to participate in the DROP;
- b. electing a form of payment for his benefits under the Pension Plan; and
- c. electing a period of participation in the DROP; provided, however, no Eligible Employee shall be a Participant in the DROP for more than 36 months.

(2) An Eligible Employee's elections under Section 2.2(a) must be made in writing in a time and manner determined by the Board and shall be ~~effective on the first day of the first calendar month which is at least five~~ business days after they are received by the Board. All elections made under Section 2.2(a) must be made before the Eligible Employee terminates his employment with the City as an Eligible Employee and before he begins to receive a benefit under the Pension Plan. Except as my otherwise be required by the terms of the Pension Fund or any applicable law, all elections made under Section 2.2(a) shall be irrevocable.

(c) Termination of Participation

- (1) A participant in the DROP shall cease to be a Participant in the DROP:
- a. by electing in writing, in a time and manner determined by the Board, to cease participating in the DROP prior to the end of his period of participation in the DROP as determined under Section 2.2;
 - b. at the end of his period of participation in the DROP as determined under Section 2.2; or
 - c. by terminating his employment with the City as an Eligible Employee. Any election made under clause (i) shall be effecting on the first day of the first calendar month which is at least five business days after it is received by the Board.
- (2) Upon a Participant's termination of participation in the DROP, amounts shall cease to be transferred from the Pension Fund to his or her DROP Account under Section 3.2, and he shall again contribute to the Pension Fund if he is still employed by the City as Eligible Employee and is required to do so under the provisions of the Pension Fund as then in

effect. Any amounts remaining in his DROP Account shall be paid to him in accordance with the provisions of Article IV.

- (3) A Participant's Drop Account shall cease being credited with the investment return determined under Section 3.3 upon his termination of participation in the DROP.
- (4) A Participant who terminates his participation in the DROP under this Section 2.3 shall not be permitted to again become a participant in the DROP.

(d) Effect of DROP Participation on the Pension Plan

- (1) Except as provided in Section 4.6 for Participants who become disabled, a Participant's vested accrued benefit under the Retirement Plan shall be determined on the basis of his years of service and highest three consecutive years of salary determined as of the date of his election to participate in the DROP becomes effective. The Participant shall not ~~accrue any additional benefits under the Retirement Plan (except for any~~ additional benefits provided under any cost-of-living adjustments in the Pension Fund and any benefits payable under Section 4.6 for a Participant who becomes disabled) while he is a participant in the DROP.
- (2) A Participant shall not contribute to the Pension Fund while he is a Participant in the DROP. Upon his termination of participation in the DROP, he shall contribute to the Pension Fund in accordance with the provisions of Section 2.3(b).
- (3) No amounts shall be paid to a Participant from the Pension Fund while he is a Participant in the DROP. Unless otherwise specified in the Pension Plan, if a Participant terminates his participation in the DROP other than by terminating his employment with the City as an Eligible Employee, no amounts shall be paid to him from the Retirement Plan until he terminates his employment with the City as an Eligible Employee. Unless otherwise specified in the Pension Plan, amounts transferred from the Pension Fund to the Participant's DROP Account shall be paid directly to the Participant only in accordance with the provisions of the DROP. Any such payment shall not occur prior to the first day of the month coincident with or next following the later of the date the Participant terminates his or her participation in the DROP or the date he terminates his employment with the City as an Eligible Employee.
- (4) Any accumulated sick or vacation leave not utilized upon entering the DROP will remain as eligible leave time for the participant while participating in the DROP. Any unused sick or vacation leave

accumulated while participating in the DROP shall be paid as a lump sum payment without creating any additional benefit under the DROP.

SECTION 483.3

FUNDING

(a) Establishment of DROP Account

- (1) A DROP Account shall be established for each Participant participating in the DROP. A Participant's DROP Account shall consist of either
 - a. Amounts transferred to the DROP under Section 3.2 and
 - b. Earnings on those amounts determined in accordance with the provision of Section 3.3.

-
- (2) A Participant's DROP Account will not be segregated from the general assets of the Pension Plan; however, it will be separately accounted for in the Retirement Plan's records.

(b) Transfers From Retirement System

- (1) As of the first day of each month of a Participant's period of participation in the DROP, the monthly retirement benefit he or she would have received under the Pension Fund had he or she terminated his or her employment with the City as an Eligible Employee and elected to receive monthly benefit payments under the Pension Fund shall be transferred to his DROP Account. A Participant's period of participation in the DROP shall be determined in accordance with the provision of Section 2.2 and 2.3, but in no event shall it continue past the date he terminates his employment with the City as an Eligible Employee.
- (2) Transfers to a Participant's DROP Account of his monthly benefit payment from the Pension Fund shall cease upon the Participant's death. Any benefit payments which may be due under the Pension Fund on the Participant's death shall be paid from the Pension Fund in accordance with the form of payment the Participant selected under the Retirement Plan.

(c) Earnings

As of the end of each month a Participant's period of participation in the DROP, interest will be credited on all amounts in his DROP Account as of the last day of

the immediately preceding month. The annual rate of interest will be the rate determined as of the end of the prior Plan Year equal to the greater of:

- (1) 2% less than the actual rate of return on the assets of the Pension Fund (as determined by the Pension Fund's actuary using the standard IRS formula); or
- (2) the lesser of (i) or (ii), as follows:
 - a. 2% less than the assumed return on the assets of the Pension Fund (as determined by the Pension Fund's actuary); or
 - b. the actual rate of return on the assets of the Pension Plan (as determined by the Pension Fund's actuary using the standard IRS formula.)

(d) Statement of Account

Each Participant shall receive quarterly statements in such form as the Board shall determine showing all amounts credited to his or her DROP Account and the interest credited on such accounts. The statements shall also contain such other information as the Board shall determine.

SECTION 483.4

**DISTRIBUTION OF DROP ACCOUNTS ON TERMINATION OF
EMPLOYMENT**

(a) Eligibility for Benefits

A Participant shall receive the balance in his DROP Account in accordance with the provisions of this Article IV upon his termination of employment with the City as an Eligible Employee. NO amounts shall be paid to a Participant from the DROP prior to his termination of employment with the City as an Eligible Employee.

(b) Forfeitures

- (1) If a Participant does not terminate his employment with the City as an Eligible Employee at the end of the period of DROP participation he elected under Section 2.2(a), his DROP Account shall be forfeited and he shall receive only his benefit under the Pension Fund in accordance with the Pension Fund's provisions. The Participant's benefit from the Pension Fund shall commence after his employment as an Eligible Employee is terminated and shall be paid in the form elected by the Participant under "Section 2.2.(a).

- (2) Any amounts forfeited under this Section 4.2 shall be used to reduce future transfers from the Pension Fund to the DROP under Section 3.2.

(c) Form of Distribution

- (1) Unless a Participant elects otherwise, distribution of his or her DROP Account shall be made in a cash lump sum.
- (2) Notwithstanding the preceding, if a Participant dies before his benefit under the DROP commences, his DROP Account shall be paid to his Beneficiary.

(d) Date of Payment of Distribution

- (1) Except as otherwise provided in this Article IV, distribution of a Participant's DROP Account shall begin as soon as administratively practicable following the Participant's termination of employment with the City as an Eligible Employee.
- (2) In lieu of a distribution as described in paragraph (a) above, a Participant may, in accordance with such procedures as the Board shall prescribe, elect to have the distribution of his DROP Account made as of the first day of any month coincident with or following his termination of employment with the City as an Eligible Employee; provided, however, payments shall be made before the distribution date elected by the Participant to the extent necessary to comply with the provision of Section (g).

(e) Proof of Death and Right of Beneficiary or Other Person

The Board may require and rely upon such proof of death and such evidence of the right of any Beneficiary or other person to receive the value of a deceased Participant's DROP Account as the Board may deem proper and its determination of the right of that Beneficiary or other person to receive payment shall be conclusive.

(f) Disability

If a Participant becomes entitled to a disability benefit under Section 6-469(g) of the 1978 Pension Act, he will receive the greater of:

- (1) his benefits under the DROP and the Retirement Plan determined as if he terminated his employment with the City as an Eligible Employee on the date he first became eligible for a disability benefit under the Pension Act; and
- (2) his disability benefit under Section 6-469 of the 1978 Pension Act determined as if he not elected to participate in the DROP.

(g) Distribution Limitation

Notwithstanding any other provisions of this Article IV, all distributions from the DROP shall conform to the regulations issued under Section 401(a)(9) of the Internal Revenue Code, including the incidental death benefit provision of Section 401(a)(9)(G) of the Code. Further, such regulations shall override any DROP provision that is inconsistent with Section 401(a)(9) of the Internal Revenue Code.

(h) Direct Rollover of Certain Distributions

Notwithstanding any provision of the DROP to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly by the DROP to an eligible retirement plan specified by the distributee in a direct rollover. The following definitions apply to the terms used in this Section:

-
- (1) "Eligible rollover distribution" means any distribution of all or any portion of the balance to the credit of the distributee under the DROP, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more, any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code, and the portion of any distribution that is not includable in gross income.
 - (2) "Eligible retirement plan" means an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, an annuity plan described in Section 403(a) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity;
 - (3) "Distributee" means an employee or former employee. In addition, the employee's or former employee's surviving spouse is a distributee with regard to the interest of the spouse; and

- (4) "Direct rollover" means a payment by the DROP to the eligible retirement plan specified by the distributee. The direct rollover may be accomplished by any reasonable means chosen by the Board.

SECTION 483.5

ADMINISTRATION OF THE DROP

(a) Board Administers the DROP

The Board shall administer the DROP without compensation, carry out the provisions of the DROP and oversee the investment of the DROP's assets. The Board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a Participant in the DROP). The determination of any disputed question shall be conclusive and final to the extent permitted by applicable law. The Board may allocate among themselves or ~~delegate to other persons all or such portion of their duties under the DROP, other~~ than those granted to them as trustee under any trust agreement which may be adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A member of the Board may not vote on any question relating exclusively to his or her self.

(b) Individual Accounts, Records and Reports

The Board shall maintain, or cause to be maintained, records showing the operation and condition of the DROP, including records showing the individual balances in each Participant's DROP account, and the Board shall keep, or cause to be kept, in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The Board shall prepare and distribute, or cause to be prepared and distributed, to Participant and other individuals or to be filed with the appropriate governmental agencies, as the case may be, all necessary description, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Internal Revenue Code and any other applicable laws.

(c) Limitation of Liability

- (1) The members of the Board shall not incur any liability individually or on behalf of any other individuals or any act or failure to act, made in good faith in relation to the DROP or the funds of the DROP.
- (2) Neither the Board nor any member of the Board shall be responsible for any reports furnished by any expert retained or employed by the Board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or any actuary, and on all opinions of counsel. The

Board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.

SECTION 483.6

GENERAL PROVISIONS

(a) Amendment of DROP

The Board reserves the right at any time and from the time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the DROP. However, excepted as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of any Participant's DROP Account or which creates any cost or liability to the City.

(b) Information

Each Participant, Beneficiary or other person entitled to a benefit before any benefit shall be payable to him or her on his or her account under the DROP, shall file with the Board the information that it shall require to establish his or her rights and benefits under the DROP.

(c) Prevention of Escheat

If the Board cannot ascertain the whereabouts of any person to whom a payment is due under the DROP, the Board may, no earlier than three years from the date such payment is due, mail a notice of such due and owing payment to the last known address of such person, as shown on the records of the Board or the City. If such person has not made written claim therefore within three months of the date of the mailing, the Board may, if it so elects and upon receiving advice from counsel, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the DROP. Upon such cancellation, the DROP shall have no further liability therefore except that, in the event such person or his beneficiary later notifies the Board of this whereabouts and requests the payment or payments due to him or her under the DROP, the amount so applied shall be paid to him or her in accordance with the provisions of the DROP.

(d) Written Election, Notification

(a1) Any elections or designations made by an Eligible Employee, Participant, former Participant or Beneficiary pursuant to the provisions of the DROP shall be made in writing and filed with the Board in a time and manner determined by the Board under rules uniformly applicable to all similarly situated. The Board reserves the right to change from time to time the time and manner for making notifications, elections or designations by Eligible Employees, Participants, former Participants and Beneficiaries under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.

(2) Each Participant or former Participant who has a DROP Account shall be responsible for furnishing the Board with his current address and any subsequent changes in his address. Any notice required to be given to an Eligible Employee, Participant, former Participant or Beneficiary hereunder shall be deemed given if directed to him at the last such address given to the Board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the Participant, former Participant or Beneficiary notifies the Board of his address.

(e) Benefits Not Guaranteed

All benefits payable under the DROP shall be paid only from the assets of the DROP and neither the City nor the Board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.

(f) Administrative Expenses

The Board may pay the reasonable and necessary expenses of administering the DROP, including, but not limited to, expenses incurred in connection with investing the DROP's assets, from the funds of the DROP to the extent they are not otherwise paid by the CITY.

(g) Construction

- (1) The DROP shall be construed, regulated and administered under the laws of Georgia and the City, except where other applicable law controls.
- (2) All references beginning with §§ 367.1 – 367.6 shall be deemed to refer to the DROP unless otherwise specified.

- (3) The titles and headings of the Articles and Sections in this Plan are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.
-

EXHIBIT B

CITY OF ATLANTA, POLICE OFFICERS DEFERRED RETIREMENT OPTION PLAN

SECTION 334.1

DEFINITIONS

Defined terms in section 334.1 are applicable only to section 334 in its entirety.

- (a) **"Beneficiary"** shall mean any person, persons or entity entitled to receive a benefit under the Pension Fund in the event of the Participant's death.
- (b) **"Board"** shall mean the Board of the City of Atlanta, Firefighters Pension Fund.
- (c) **"City"** shall mean the City of Atlanta, Georgia.
- (d) **"Drop"** shall mean the City of Atlanta, Firefighters Deferred Retirement Option Plan.
- (e) **"Drop Account"** shall mean the account established for each DROP participant under Section 3.1.
- (f) **"Eligible Employee"** shall mean any person employed by the City as an "officer or employee" 6-221 of the 1978 Pension Act.
- (g) **"Participant"** shall mean any Eligible Employee who elects to participate in the DROP in accordance with Section 2.2.
- (h) **"Plan Year"** shall mean the 12 month period beginning on any July 1st and ending on the immediately following June 30th.
- (i) **"Pension Fund"** shall mean the 1978 Pension Act, as amended and incorporated in the *City of Atlanta Code and Ordinances*, Article IV, §§ 6-221 through 6-333.

SECTION 483.2 PARTICIPATION

- (a) **Eligibility to Participate**

In lieu of terminating his or her employment with the City as an Eligible Employee, any Eligible Employee actively employed by the City who would be eligible to retire and receive a retirement benefit under Section 6-221 of the 1978

Pension Act may elect to remain employed by the City as an Eligible Employee, defer receipt of such retirement benefit and participate in the DROP.

(b) Election to Participate

(1) An Eligible Employee who meets the requirements of Section 2.1 shall become a Participant in the DROP by:

- a. electing to participate in the DROP;
- b. electing a form of payment for his benefits under the Pension Plan; and
- c. electing a period of participation in the DROP; provided, however, no Eligible Employee shall be a Participant in the DROP for more than 36 months.

(2) An Eligible Employee's elections under Section 2.2(a) must be made in writing in a time and manner determined by the Board and shall be effective on the first day of the first calendar month which is at least five business days after they are received by the Board. All elections made under Section 2.2(a) must be made before the Eligible Employee terminates his employment with the City as an Eligible Employee and before he begins to receive a benefit under the Pension Plan. Except as my otherwise be required by the terms of the Pension Fund or any applicable law, all elections made under Section 2.2(a) shall be irrevocable.

(c) Termination of Participation

- (1) A participant in the DROP shall cease to be a Participant in the DROP:
- a. by electing in writing, in a time and manner determined by the Board, to cease participating in the DROP prior to the end of his period of participation in the DROP as determined under Section 2.2;
 - b. at the end of his period of participation in the DROP as determined under Section 2.2; or
 - c. by terminating his employment with the City as an Eligible Employee. Any election made under clause (i) shall be effecting on the first day of the first calendar month which is at least five business days after it is received by the Board.
- (2) Upon a Participant's termination of participation in the DROP, amounts shall cease to be transferred from the Pension Fund to his or her DROP Account under Section 3.2, and he shall again contribute to the Pension Fund if he is still employed by the City as Eligible Employee and is required to do so under the provisions of the Pension Fund as then in

effect. Any amounts remaining in his DROP Account shall be paid to him in accordance with the provisions of Article IV.

- (3) A Participant's Drop Account shall cease being credited with the investment return determined under Section 3.3 upon his termination of participation in the DROP.
- (4) A Participant who terminates his participation in the DROP under this Section 2.3 shall not be permitted to again become a participant in the DROP.

(d) **Effect of DROP Participation on the Pension Plan**

- (1) Except as provided in Section 4.6 for Participants who become disabled, a Participant's vested accrued benefit under the Retirement Plan shall be determined on the basis of his years of service and highest three consecutive years of salary determined as of the date of his election to participate in the DROP becomes effective. The Participant shall not ~~accrue any additional benefits under the Retirement Plan (except for any~~ additional benefits provided under any cost-of-living adjustments in the Pension Fund and any benefits payable under Section 4.6 for a Participant who becomes disabled) while he is a participant in the DROP.
- (2) A Participant shall not contribute to the Pension Fund while he is a Participant in the DROP. Upon his termination of participation in the DROP, he shall contribute to the Pension Fund in accordance with the provisions of Section 2.3(b).
- (3) No amounts shall be paid to a Participant from the Pension Fund while he is a Participant in the DROP. Unless otherwise specified in the Pension Plan, if a Participant terminates his participation in the DROP other than by terminating his employment with the City as an Eligible Employee, no amounts shall be paid to him from the Retirement Plan until he terminates his employment with the City as an Eligible Employee. Unless otherwise specified in the Pension Plan, amounts transferred from the Pension Fund to the Participant's DROP Account shall be paid directly to the Participant only in accordance with the provisions of the DROP. Any such payment shall not occur prior to the first day of the month coincident with or next following the later of the date the Participant terminates his or her participation in the DROP or the date he terminates his employment with the City as an Eligible Employee.
- (4) Any accumulated sick or vacation leave not utilized upon entering the DROP will remain as eligible leave time for the participant while participating in the DROP. Any unused sick or vacation leave

accumulated while participating in the DROP shall be paid as a lump sum payment without creating any additional benefit under the DROP.

SECTION 483.3

FUNDING

(a) Establishment of DROP Account

- (1) A DROP Account shall be established for each Participant participating in the DROP. A Participant's DROP Account shall consist of either
 - a. Amounts transferred to the DROP under Section 3.2 and
 - b. Earnings on those amounts determined in accordance with the provision of Section 3.3.
-
- (2) A Participant's DROP Account will not be segregated from the general assets of the Pension Plan; however, it will be separately accounted for in the Retirement Plan's records.

(b) Transfers From Retirement System

- (1) As of the first day of each month of a Participant's period of participation in the DROP, the monthly retirement benefit he or she would have received under the Pension Fund had he or she terminated his or her employment with the City as an Eligible Employee and elected to receive monthly benefit payments under the Pension Fund shall be transferred to his DROP Account. A Participant's period of participation in the DROP shall be determined in accordance with the provision of Section 2.2 and 2.3, but in no event shall it continue past the date he terminates his employment with the City as an Eligible Employee.
- (2) Transfers to a Participant's DROP Account of his monthly benefit payment from the Pension Fund shall cease upon the Participant's death. Any benefit payments which may be due under the Pension Fund on the Participant's death shall be paid from the Pension Fund in accordance with the form of payment the Participant selected under the Retirement Plan.

(c) Earnings

As of the end of each month a Participant's period of participation in the DROP, interest will be credited on all amounts in his DROP Account as of the last day of

the immediately preceding month. The annual rate of interest will be the rate determined as of the end of the prior Plan Year equal to the greater of:

- (1) 2% less than the actual rate of return on the assets of the Pension Fund (as determined by the Pension Fund's actuary using the standard IRS formula); or
- (2) the lesser of (i) or (ii), as follows:
 - a. 2% less than the assumed return on the assets of the Pension Fund (as determined by the Pension Fund's actuary); or
 - b. the actual rate of return on the assets of the Pension Plan (as determined by the Pension Fund's actuary using the standard IRS formula.)

(d) Statement of Account

Each Participant shall receive quarterly statements in such form as the Board shall determine showing all amounts credited to his or her DROP Account and the interest credited on such accounts. The statements shall also contain such other information as the Board shall determine.

SECTION 483.4

**DISTRIBUTION OF DROP ACCOUNTS ON TERMINATION OF
EMPLOYMENT**

(a) Eligibility for Benefits

A Participant shall receive the balance in his DROP Account in accordance with the provisions of this Article IV upon his termination of employment with the City as an Eligible Employee. NO amounts shall be paid to a Participant from the DROP prior to his termination of employment with the City as an Eligible Employee.

(b) Forfeitures

- (1) If a Participant does not terminate his employment with the City as an Eligible Employee at the end of the period of DROP participation he elected under Section 2.2(a), his DROP Account shall be forfeited and he shall receive only his benefit under the Pension Fund in accordance with the Pension Fund's provisions. The Participant's benefit from the Pension Fund shall commence after his employment as an Eligible Employee is terminated and shall be paid in the form elected by the Participant under "Section 2.2.(a).

- (2) Any amounts forfeited under this Section 4.2 shall be used to reduce future transfers from the Pension Fund to the DROP under Section 3.2.

(c) Form of Distribution

- (1) Unless a Participant elects otherwise, distribution of his or her DROP Account shall be made in a cash lump sum.
- (2) Notwithstanding the preceding, if a Participant dies before his benefit under the DROP commences, his DROP Account shall be paid to his Beneficiary.

(d) Date of Payment of Distribution

- (1) Except as otherwise provided in this Article IV, distribution of a Participant's DROP Account shall begin as soon as administratively practicable following the Participant's termination of employment with the City as an Eligible Employee.
- (2) ~~In lieu of a distribution as described in paragraph (a) above, a Participant~~ may, in accordance with such procedures as the Board shall prescribe, elect to have the distribution of his DROP Account made as of the first day of any month coincident with or following his termination of employment with the City as an Eligible Employee; provided, however, payments shall be made before the distribution date elected by the Participant to the extent necessary to comply with the provision of Section (g).

(e) Proof of Death and Right of Beneficiary or Other Person

The Board may require and rely upon such proof of death and such evidence of the right of any Beneficiary or other person to receive the value of a deceased Participant's DROP Account as the Board may deem proper and its determination of the right of that Beneficiary or other person to receive payment shall be conclusive.

(f) Disability

If a Participant becomes entitled to a disability benefit under Section 6-311(g) a and b of the 1978 Pension Act, he will receive the greater of:

- (1) his benefits under the DROP and the Retirement Plan determined as if he terminated his employment with the City as an Eligible Employee on the date he first became eligible for a disability benefit under the Pension Act; and
- (2) his disability benefit under Section 6-367 of the 1978 Pension Act determined as if he not elected to participate in the DROP.

(g) Distribution Limitation

Notwithstanding any other provisions of this Article IV, all distributions from the DROP shall conform to the regulations issued under Section 401(a)(9) of the Internal Revenue Code, including the incidental death benefit provision of Section 401(a)(9)(G) of the Code. Further, such regulations shall override any DROP provision that is inconsistent with Section 401(a)(9) of the Internal Revenue Code.

(h) Direct Rollover of Certain Distributions

Notwithstanding any provision of the DROP to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly by the DROP to an eligible retirement plan specified by the distributee in a direct rollover. The following definitions apply to the terms used in this Section:

-
- (1) "Eligible rollover distribution" means any distribution of all or any portion of the balance to the credit of the distributee under the DROP, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more, any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code, and the portion of any distribution that is not includable in gross income.
 - (2) "Eligible retirement plan" means an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, an annuity plan described in Section 403(a) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity;
 - (3) "Distributee" means an employee or former employee. In addition, the employee's or former employee's surviving spouse is a distributee with regard to the interest of the spouse; and

- (4) "Direct rollover" means a payment by the DROP to the eligible retirement plan specified by the distributee. The direct rollover may be accomplished by any reasonable means chosen by the Board.

SECTION 483.5

ADMINISTRATION OF THE DROP

(a) Board Administers the DROP

The Board shall administer the DROP without compensation, carry out the provisions of the DROP and oversee the investment of the DROP's assets. The Board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a Participant in the DROP). The determination of any disputed question shall be conclusive and final to the extent permitted by applicable law. The Board may allocate among themselves or ~~delegate to other persons all or such portion of their duties under the DROP, other~~ than those granted to them as trustee under any trust agreement which may be adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A member of the Board may not vote on any question relating exclusively to his or her self.

(b) Individual Accounts, Records and Reports

The Board shall maintain, or cause to be maintained, records showing the operation and condition of the DROP, including records showing the individual balances in each Participant's DROP account, and the Board shall keep, or cause to be kept, in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The Board shall prepare and distribute, or cause to be prepared and distributed, to Participant and other individuals or to be filed with the appropriate governmental agencies, as the case may be, all necessary description, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Internal Revenue Code and any other applicable laws.

(c) Limitation of Liability

- (1) The members of the Board shall not incur any liability individually or on behalf of any other individuals or any act or failure to act, made in good faith in relation to the DROP or the funds of the DROP.
- (2) Neither the Board nor any member of the Board shall be responsible for any reports furnished by any expert retained or employed by the Board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or any actuary, and on all opinions of counsel. The

Board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.

SECTION 483.6

GENERAL PROVISIONS

(a) Amendment of DROP

The Board reserves the right at any time and from the time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the DROP. However, excepted as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of any Participant's DROP Account or which creates any cost or liability to the City.

(b) Information

Each Participant, Beneficiary or other person entitled to a benefit before any benefit shall be payable to him or her on his or her account under the DROP, shall file with the Board the information that it shall require to establish his or her rights and benefits under the DROP.

(c) Prevention of Escheat

If the Board cannot ascertain the whereabouts of any person to whom a payment is due under the DROP, the Board may, no earlier than three years from the date such payment is due, mail a notice of such due and owing payment to the last known address of such person, as shown on the records of the Board or the City. If such person has not made written claim therefore within three months of the date of the mailing, the Board may, if it so elects and upon receiving advice from counsel, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the DROP. Upon such cancellation, the DROP shall have no further liability therefore except that, in the event such person or his beneficiary later notifies the Board of this whereabouts and requests the payment or payments due to him or her under the DROP, the amount so applied shall be paid to him or her in accordance with the provisions of the DROP.

(d) Written Election, Notification

(a1) Any elections or designations made by an Eligible Employee, Participant, former Participant or Beneficiary pursuant to the provisions of the DROP shall be made in writing and filed with the Board in a time and manner determined by the Board under rules uniformly applicable to all similarly situated. The Board reserves the right to change from time to time the time and manner for making notifications, elections or designations by Eligible Employees, Participants, former Participants and Beneficiaries under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.

(2) Each Participant or former Participant who has a DROP Account shall be responsible for furnishing the Board with his current address and any subsequent changes in his address. Any notice required to be given to an Eligible Employee, Participant, former Participant or Beneficiary hereunder shall be deemed given if directed to him at the last such address given to the Board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the Participant, former Participant or Beneficiary notifies the Board of his address.

(e) Benefits Not Guaranteed

All benefits payable under the DROP shall be paid only from the assets of the DROP and neither the City nor the Board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.

(f) Administrative Expenses

The Board may pay the reasonable and necessary expenses of administering the DROP, including, but not limited to, expenses incurred in connection with investing the DROP's assets, from the funds of the DROP to the extent they are not otherwise paid by the CITY.

(g) Construction

(1) The DROP shall be construed, regulated and administered under the laws of Georgia and the City, except where other applicable law controls.

(2) All references beginning with §§ 367.1 – 367.6 shall be deemed to refer to the DROP unless otherwise specified.

- (3) The titles and headings of the Articles and Sections in this Plan are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: LaShawn Gardiner

Contact Number: 404-330-6449

Originating Department: Department of Finance

Committee(s) of Purview: Finance/ Executive Committee

Chief of Staff Deadline: April 9, 2008

Anticipated Committee Meeting Date(s): April 29-30, 2008

Anticipated Full Council Date: May 5, 2008

Legislative Counsel's Signature: [Signature] (SB)

Commissioner Signature: E Raynes 4/9/08

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ENGAGE ON BEHALF OF THE CITY OF ATLANTA TO ESTABLISH AND IMPLEMENT A COST NEUTRAL DEFERRED RETIREMENT OPTION RETIREMENT PLAN AS AN ADDITIONAL BENEFIT FOR THE MEMBERS OF THE CITY OF ATLANTA FIREFIGHTER'S PENSION FUND AND THE CITY OF ATLANTA POLICE OFFICERS PENSION FUND; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____

(date)

(date)

Received by Mayor's Office: Amc 4/9/08 Reviewed by: [Signature]

(date)

(date)

Submitted to Council: _____

(date)

08-0-0822

No. 08-O-1 1

AN ORDINANCE
BY COUNCILMEMBER FELICIA MOORE

Felicia A. Moore

AN ORDINANCE, TO PROVIDE FOR THE ISSUANCE AND SALE OF TAX ALLOCATION BONDS (PERRY BOLTON PROJECT), SERIES 2008, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$[] (THE "SERIES 2008 BONDS"), TO PAY, OR TO BE APPLIED OR CONTRIBUTED TOWARD, THE PAYMENT OF REDEVELOPMENT COSTS ASSOCIATED WITH THE PROJECTS IDENTIFIED ON SCHEDULE 1 HERETO (THE "2008 PROJECTS"); TO AUTHORIZE PAYING EXPENSES INCIDENT TO ACCOMPLISHING THE FOREGOING; TO AUTHORIZE THE EXECUTION OF AN INDENTURE OF TRUST, A BOND PLACEMENT AGREEMENT, SEPARATE DEVELOPMENT AGREEMENTS WITH THE DEVELOPERS OF EACH OF THE 2008 PROJECTS AND APPROVING THE USE AND DISTRIBUTION OF A PRELIMINARY LIMITED OFFERING MEMORANDUM AND FINAL LIMITED OFFERING MEMORANDUM; TO CLARIFY THE INTENT OF THE INITIAL RESOLUTION (AS DEFINED HEREIN) WITH RESPECT TO THE TERMINATION OF THE PERRY BOLTON TAD (AS DEFINED HEREIN) AND FOR CERTAIN OTHER PURPOSES, ALL IN CONNECTION WITH THE ISSUANCE AND SALE OF THE FOREGOING DESCRIBED SERIES 2008 BONDS.

WHEREAS, the City of Atlanta, Georgia (the "City") is a municipal corporation of the State of Georgia and a "political subdivision" as defined in Chapter 44 of Title 36 of the Official Code of Georgia Annotated, as amended (the "Redevelopment Powers Law"); and

WHEREAS, the City is authorized pursuant to the Constitution of the State of Georgia and the various statutes of the State of Georgia, including specifically the Redevelopment Powers Law, to issue its tax allocation bonds in order to finance certain Redevelopment Costs, as defined in the Redevelopment Powers Law; and

WHEREAS, in order to encourage the development of an economically and socially depressed area in the City, the City Council by Resolution 02-R-2094, adopted on December 2, 2002, and signed by the Mayor on December 10, 2002 (the "Initial Resolution," and as the Initial Resolution was amended by Resolution 06-R-2571, adopted by the City Council on December 4, 2006 and approved by the mayor on December 13, 2006, the "Resolution"), among other matters, (i) adopted the Northwest Atlanta Redevelopment Plan pursuant to the authority granted the City under the Constitution and the laws of the State of Georgia, including particularly the Redevelopment Powers Law (ii) created Tax Allocation District Number Three — Perry/Bolton (the "Perry Bolton TAD") and (iii) authorized the pledge of positive ad valorem tax allocation increments derived from the Perry Bolton TAD for the payment or as security for the payment of tax allocation bonds; and

WHEREAS, the City has appointed The Atlanta Development Authority ("ADA") as the City's redevelopment agent pursuant to the Redevelopment Powers Law for the purpose of

implementing the redevelopment initiatives set forth in the Northwest Atlanta Redevelopment Plan, and for other purposes; and

WHEREAS, pursuant to the Redevelopment Powers Law, the City is authorized to finance certain Redevelopment Costs, including without limitation, (i) clearing, grading and otherwise preparing property for redevelopment, (ii) environmental remediation of property, (iii) design, construction and installation of utilities such as water, sewer, storm drainage, electric, gas and telecommunications, (iv) design, construction and installation of streets, sidewalks, bikeways, curbs, gutters and other public works, (v) design and construction of parking facilities and (vi) any other facilities and improvements located in or otherwise related to the Perry Bolton TAD that are eligible to be financed or refinanced as Redevelopment Costs under the Redevelopment Powers Law; and

WHEREAS, as redevelopment agent, the ADA has identified and approved the [] () projects or phases of projects listed on Schedule 1 hereto (the "2008 Projects") for financing with the proceeds of tax allocation bonds of the City; and

WHEREAS, the Board of Commissioners of Fulton County, Georgia ("the Board of Commissioners"), by resolution adopted on December 18, 2002 (as amended on May 2, 2007), ~~consented to the inclusion of its share of positive ad valorem tax increments derived from the~~ Perry Bolton TAD as security for bonds issued within the Perry Bolton TAD; and

WHEREAS, it is proposed that the City finance certain Redevelopment Costs associated with the 2008 Projects through the issuance of Tax Allocation Bonds (Perry Bolton Project), Series 2008 in the aggregate principal amount not to exceed \$[] (the "Series 2008 Bonds"); and

WHEREAS, the Series 2008 Bonds will be issued pursuant to an Indenture of Trust (the "Series 2008 Indenture") between the City and Trustee which secures such bonds with a lien on the Tax Allocation Increments (as such term is defined in the Series 2008 Indenture); and

WHEREAS, it is proposed that the City sell the Series 2008 Bonds on a negotiated basis to DEPFA First Albany Securities LLC and Backstrom McCarley Berry & Co., LLC (collectively, the "Underwriters") pursuant to the terms of a Bond Placement Agreement; and

WHEREAS, it is proposed that in order to facilitate the purchase of the Series 2008 Bonds, the City should provide for the use and distribution by the Underwriters of a Preliminary Limited Offering Memorandum (the "Preliminary Offering Memorandum") and a final Limited Offering Memorandum (the "Limited Offering Memorandum"); and

WHEREAS, in consideration of the City's issuance of the Series 2008 Bonds, separate Development Agreements will be executed by and among the City, ADA and the respective developer of each 2008 Project, pursuant to which the parties thereto will assume certain responsibilities and obligations concerning redevelopment activities with respect to the related 2008 Project; and

WHEREAS, by resolution of the Board of the ADA on December 6, 2007, ADA approved tax allocation increment funding for the 2008 Projects, recommended issuance of the

Series 2008 Bonds by the City and authorized the execution and delivery of the Development Agreements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

Section 1.01. Authority for Ordinance. This Ordinance is adopted pursuant to the provisions of the Constitution and the laws of the State of Georgia.

Section 1.02. Findings. It is hereby ascertained, determined and declared that:

(a) the financing of the Redevelopment Costs associated with the 2008 Projects is a lawful and valid undertaking pursuant to the Redevelopment Powers Law;

(b) the Series 2008 Bonds will constitute only limited obligations of the City and will be payable solely from the revenues to be assigned and pledged to the payment thereof and will not constitute a debt or a general obligation or a pledge of the faith and credit of the State of Georgia or any political subdivision, county or independent board of education thereof, including the City and Fulton County, and will not directly or indirectly obligate such State or political subdivision, county or independent board of education thereof, including the City and Fulton County, to levy or to pledge any form of taxation whatever for the payment thereof.

Section 1.03. Clarification of Initial Resolution. Section 6 of the Initial Resolution provided as follows:

"Tax Allocation District Number Three – Perry/Bolton is hereby created as of December 31, 2002, and shall continue in existence for twenty-five years thereafter, or until all redevelopment costs, including financing costs, are paid in full."

It is hereby declared that the reference to "twenty-five years" was not intended to establish the maximum term of the Perry Bolton TAD and that the Perry Bolton TAD shall continue in existence for as long as any tax allocation bonds issued to finance redevelopment costs within the Perry Bolton TAD remain outstanding.

Section 1.04. Authorization of the Financing of the 2008 Projects. The financing of all or a portion of the Redevelopment Costs associated with 2008 Projects is hereby authorized.

Section 1.05. Authorization of Series 2008 Bonds. For the purpose of financing the Redevelopment Costs associated with the 2008 Projects, the issuance of not to exceed \$[] in aggregate principal amount of tax allocation bonds of the City known as "Tax Allocation Bonds (Perry Bolton Project), Series 2008," is hereby authorized. The Series 2008 Bonds shall be dated, bear interest, be subject to redemption prior to maturity and be payable as set forth in Articles II and III of the Series 2008 Indenture, provided that the Series 2008 Bonds shall mature not later than 30 years after the date of issuance thereof, the interest rate on the Series 2008 Bonds shall not exceed []% per annum and the maximum principal and interest due in any year shall not exceed \$[] The Series 2008 Bonds shall be issued as

registered bonds without coupons in denominations authorized under the Series 2008 Indenture, which shall initially be in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof, with such rights of exchangeability and transfer of registration and shall be in the form and executed and authenticated in the manner provided in the Series 2008 Indenture. The term "Series 2008 Bonds" as used herein shall be deemed to mean and include the Series 2008 Bonds as initially issued and delivered and Series 2008 Bonds issued in exchange therefor or in exchange for Series 2008 Bonds previously issued.

Any Series 2008 Bonds hereafter issued in exchange or for transfer of registration for the Bonds initially issued and delivered pursuant to the Series 2008 Indenture shall be executed in accordance with the provisions of the Series 2008 Indenture and such execution by the Mayor and the Municipal Clerk, whether present or future, is hereby authorized. A certificate of validation shall be endorsed upon each of such Series 2008 Bonds hereafter issued, and the Clerk of the Superior Court of Fulton County, Georgia, is instructed to execute such certificate of validation upon the written request of the Trustee or the City, specifying that such Series 2008 Bonds are being issued in exchange or for transfer of registration for one of the Series 2008 Bonds issued and delivered to the initial purchaser or purchasers thereof or one of the Series 2008 Bonds previously issued in exchange thereof.

Section 1.06. Authorization of Series 2008 Indenture. In order to secure the payment of the principal of, redemption premium, if any, and interest on the Series 2008 Bonds herein authorized, and in order to secure the performance and observance of all the agreements and conditions in the Series 2008 Bonds, the execution, delivery and performance of the Series 2008 Indenture relating to the Series 2008 Bonds by and between the City and the Trustee are hereby authorized. The Series 2008 Indenture shall be in substantially the form attached hereto as Exhibit I, subject to such minor changes, insertions or omissions as may be approved by the Mayor, and the execution of the Series 2008 Indenture by the Mayor and Municipal Clerk as hereby authorized shall be conclusive evidence of any such approval.

Section 1.07. Authorization of Bond Placement Agreement. The execution, delivery and performance of the Bond Placement Agreement providing for the purchase of the Series 2008 Bonds, by and between the City and the Underwriters are hereby authorized. The Bond Placement Agreement shall be in substantially the form attached hereto as Exhibit II, subject to minor changes, insertions or omissions as may be approved by the Mayor and the execution of the Bond Placement Agreement by the Mayor and Municipal Clerk as hereby authorized shall be conclusive evidence of any such approval. Anything herein or in the Bond Placement Agreement to the contrary notwithstanding, the Chief Financial Officer of the City is hereby authorized to execute the Bond Placement Agreement in the event of the absence or incapacity of the Mayor.

Section 1.08. Authorization of Limited Offering Memorandum. The use and distribution of the Preliminary Limited Offering Memorandum and a final Limited Offering Memorandum with respect to the Series 2008 Bonds are hereby authorized and approved, and said Preliminary Limited Offering Memorandum and said final Limited Offering Memorandum shall be in substantially the form attached hereto as Exhibit III, subject to such minor changes, insertions or omissions as may be approved by the Mayor. The execution of a final Limited Offering Memorandum by the Mayor as hereby authorized shall be conclusive evidence of any such approval.

Section 1.09. Execution of the Development Agreements. The execution, delivery and performance of each of the Development Agreements by and among the City, ADA and the developer of a 2008 Project are hereby authorized. The Development Agreements shall be in substantially the form as attached hereto as Exhibit IV, subject to such minor changes, insertions or omissions as may be approved by the Mayor, and the execution of each Development Agreement by the Mayor and Municipal Clerk as hereby authorized shall be conclusive evidence of any such approval.

Section 1.10. Execution of Series 2008 Bonds. The Series 2008 Bonds shall be executed in the manner provided in the Series 2008 Indenture and the same shall be delivered to the Trustee for proper authentication and delivery to the Underwriters with instructions to that effect as provided in the Series 2008 Indenture.

Section 1.11. Validation of Series 2008 Bonds. The Mayor is hereby authorized and directed to immediately notify the District Attorney of the Atlanta Judicial Circuit of the action taken by the City, to request the District Attorney to institute a proceeding to confirm and validate the Series 2008 Bonds and to pass upon the security therefor, and the Mayor and the Municipal Clerk are further authorized to acknowledge service and make answer in such proceeding.

The public notice with respect to the validation proceedings shall include a statement to the effect that no performance audit or performance review of the nature described in Section 36-82-100 of the Official Code of Georgia Annotated will be conducted with respect to the Series 2008 Bonds.

Section 1.12. Non-Arbitrage Certification. Any officer of the City is hereby authorized to execute one or more non-arbitrage certifications with respect to the Series 2008 Bonds or any series thereof in order to comply with Section 148 of the Code, and the applicable Treasury Regulations thereunder.

Section 1.13. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the Indenture, the Bond Placement Agreement or any Development Agreement shall be deemed to be a stipulation, obligation or agreement of any officer, director, agent or employee of the City in his individual capacity, and no such officer, director, agent or employee shall be personally liable on the Series 2008 Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 1.14. General Authority. From and after the execution and delivery of the documents hereinabove authorized, the proper officers, directors, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the documents as authorized herein and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the issuance of the Series 2008 Bonds and in conformity with the purposes and intents of this Ordinance.

The Mayor and the Municipal Clerk are hereby authorized and directed to prepare and furnish to the purchasers of the Series 2008 Bonds, when the Series 2008 Bonds are issued, certified copies of all the proceedings and records of the City relating to the Series 2008 Bonds, and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Series 2008 Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

Section 1.15. Actions Approved and Confirmed. All acts and doings of the officers of the City which are in conformity with the purposes and intents of this Ordinance and in furtherance of the issuance of the Series 2008 Bonds and the execution, delivery and performance of the Series 2008 Indenture, each Development Agreement and the Bond Placement Agreement and the approval of the Limited Offering Memorandum, shall be, and the same hereby are, in all respects approved and confirmed.

Section 1.16. Severability of Invalid Provision. If any one or more of the agreements or provisions herein contained shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the Series 2008 Bonds authorized hereunder.

Section 1.17. Repealing Clause. All ordinances or parts thereof of the City in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Schedule "1"

Project

Type

Developer

Exhibit I
Form of Indenture

Exhibit II
Form of Bond Placement Agreement

Exhibit III

Form of Preliminary Limited Offering Memorandum

Exhibit IV
Form of Development Agreement

AN ORDINANCE BY HOWARD SHOOK

08-0-0829

H. S. W.

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1. ET SEQ., AS AMENDED, SO AS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA. LAWS P. 4469, ET SEQ., BY AMENDING ARTICLE 2, CHAPTER 3, SECTION 2-302(c) SO AS TO REQUIRE AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL TO APPROVE ANY ORDINANCE THAT WOULD RESULT IN AN INCREASE IN TAXES, FEES, OR BOND INDEBTEDNESS; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes the powers and authority of the City Council;

WHEREAS, Article 2, Chapter 3, Section 2-302(a) of the Charter provides that the City Council can, by ordinance, adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of the Charter;

WHEREAS, it is the wish of the City Council to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in an increase in taxes, an increase of fees, or an increase in the City's bond indebtedness; and

WHEREAS,

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That Article 2, Chapter 3, Section 2-302 of the Charter of the City of Atlanta be amended to read as follows:

Section 2-302. Rules; quorum; voting.

(a) The council shall by ordinance adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of this Charter.

(b) A majority of the councilmembers, excluding the president, shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members. The council may by ordinance provide methods to compel the attendance of its members and to punish for the violation thereof.

(c) The affirmative vote of a majority of the councilmembers shall be required for the transaction of business and the passage of ordinances and resolutions, except as otherwise

provided by law. The affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any of the following: an increase in taxes, an increase of fees, or an increase in the city's bond indebtedness.

(d) Where no quorum can be assembled except by the filling of vacancies, a smaller number of members may transact business by a majority vote of members present to the extent necessary to fill such vacancies in the membership of the council as provided in this Charter and by law. Should the number of vacancies in the membership of the council be one-half or greater than its total membership, the remaining members of the council shall cause to be called a special election to fill such vacancies.

(e) No member of the council, or the president of the council, shall vote on matters involving the consideration of his or her own conduct, which would inure to his or her financial or personal interests, or which would be a conflict of interest as provided in Chapter 4 of Article 5 herein or by ordinance. Prior to the vote being taken, such member of council shall publicly state the nature of his or her interest in the matter from which he or she is abstaining from voting. Additionally, such member of council shall disclose such interest in writing, via the submission of an electronic form prescribed by the board of ethics upon his or her recognition of said conflicts.

(f) No councilmember present at a meeting of a quorum of the city council shall abstain from voting for any reason other than those provided herein; this requirement shall not apply to meetings of council committees.

Section 2: That a copy of this proposed amendment to the Charter of the City of Atlanta, Georgia 1996 Ga. L. (Act No. 1019, p. 4469), et seq. as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a "Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia," attached hereto and marked Exhibit "A" and made a part of this ordinance, be published in the official organ of the county of the legal situs of the City of Atlanta or in a newspaper of general circulation in the City of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption, and that a copy of said advertisement be attached to this ordinance prior to its final adoption by the Council of the City of Atlanta.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Exhibit "A"

"Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia"

Notice is hereby given that an ordinance has been introduced to amend Section 2-302 (Entitled "Rules; quorum; voting") of the Charter of the City of Atlanta, Georgia (1996 Ga. L. (Act No. 1019), p. 4469, et. seq.) as amended, so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in an increase in taxes, an increase of fees, or an increase in the City's bond indebtedness; and for other purposes.

A copy of the proposed amendment is on file in the office of the Municipal Clerk of the City of Atlanta and in the offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia, for purposes of examination and inspection by the public.

This _____ day of _____, 2008.

Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta

RCS# 2196
7/07/08
3:11 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 0830, 0831, 0833, 0834,

REFER/FINANCE

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 2195
7/07/08
3:10 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 0830, 0831, 0833, 0834,

~~REMOVE FR TABLE~~

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Hall	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 2040
6/16/08
3:01 PM

Atlanta City Council

REGULAR SESSION

08-O-0829, 08-O-0830, 08-O-0831, 08-O-0833

08-O-0834,

REMAIN TABLED

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

Y Archibong	E Moore	Y Mitchell
Y Fauver	Y Martin	B Norwood
Y Shook	Y Maddox	NV Willis
Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 1952
5/19/08
3:32 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 08-O-0830, 08-O-0831, 08-O-0833
08-O-0834

REMAIN TABLE

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
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ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 1913
5/05/08
3:17 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

~~08-O-0826~~, 08-O-0829, 08-O-0830, 08-O-0831, 08-O-0833
08-O-0834

TABLE

YEAS: 11
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith
Y Hall
Y Young
Y Winslow

Y Archibong
B Fauver
Y Shook
Y Muller

N Moore
N Martin
Y Maddox
Y Sheperd

N Mitchell
Y Norwood
Y Willis
NV Borders

MULTIPLE

AN ORDINANCE BY HOWARD SHOOK

08-0-0830

H. Shook

AN ORDINANCE TO AMEND CHAPTER TWO, ARTICLE VI, DIVISION 2, SUBDIVISION II, SECTION 2-351 (ENTITLED, "AUTHORIZATION TO ISSUE COMMERCIAL PAPER.") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO REQUIRE AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL TO APPROVE ANY ORDINANCE THAT WOULD RESULT IN AN INCREASE IN BOND INDEBTEDNESS; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes the powers and authority of the City Council;

WHEREAS, Article 2, Chapter 3, Section 2-302(a) of the Charter provides that the City Council can, by ordinance, adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of the Charter;

~~WHEREAS, it is the wish of the City Council to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in an increase in taxes, an increase of fees, or an increase in the City's bond indebtedness; and~~

WHEREAS, Chapter Two, Article II, Division 2, Subdivision I, Section 2-69 and Chapter Two, Article II, Division 2, Subdivision II, Section 2-96(c) of the Code of Ordinances require an affirmative vote of a simple majority of councilmembers then constituting the membership of the city council for the passage of all types of legislation

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That Chapter Two, Article VI, Division 2, Subdivision II, Section 2-351 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

Sec. 2-351. Authorization to issue commercial paper.

(a) The affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any increase in the city's bond indebtedness.

(b) Whenever the city is authorized by law to issue bonds, notes or certificates, including but not limited to general obligation bonds, revenue bonds, bond anticipation notes, tax anticipation notes, or revenue anticipation certificates, the chief financial officer is authorized to issue commercial paper notes in accordance with the provisions set forth in O.C.G.A. § 36-82-240, et seq., as may be amended from time to time.

(c) When the chief financial officer deems that issuance of commercial paper is prudent for the undertaking of certain capital projects, the council shall authorize the chief financial

officer to set the maturity dates, principal amounts, redemption provisions, interest rates and other terms and conditions, subject to the parameters established by resolution of the city council.

(d) The chief financial officer, in consultation with the city's financial advisors, is empowered to conduct the transaction of commercial paper notes by competitive or negotiated sale in public offerings and private placements.

(e) In addition to the criteria set forth in Code section 2-323(i), the chief financial officer shall also consider experience as potential underwriters/commercial paper dealers when choosing a financial institution(s) for tax-exempt commercial paper transactions.

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

RCS# 2196
7/07/08
3:11 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829,0830,0831,0833,0834,

REFER/FINANCE

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 2195
7/07/08
3:10 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 0830, 0831, 0833, 0834,

REMOVE FR TABLE

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Hall	Y Fauver	Y Martin	NV Norwood
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Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 2040
6/16/08
3:01 PM

Atlanta City Council

REGULAR SESSION

08-O-0829, 08-O-0830, 08-O-0831, 08-O-0833

08-O-0834,

REMAIN TABLED

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

Y Smith	Y Archibong	E Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	NV Willis
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MULTIPLE

RCS# 1952
5/19/08
3:32 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 08-O-0830, 08-O-0831, 08-O-0833
08-O-0834

REMAIN TABLE

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MULTIPLE

RCS# 1913
5/05/08
3:17 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

~~08-0-0826~~, 08-0-0829, 08-0-0830, 08-0-0831, 08-0-0833
08-0-0834

TABLE

YEAS: 11
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	N Moore	N Mitchell
Y Hall	B Fauver	N Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

AN ORDINANCE BY HOWARD SHOOK

Handwritten: H - S W 08A D - 0831

AN ORDINANCE TO AMEND CHAPTER 146, DIVISION 1, ARTICLE II, SECTION 146-26 (ENTITLED, "LEVY."), CHAPTER 146, ARTICLE II, SECTION 146-79 (ENTITLED, "LEVIED.") AND CHAPTER 146, ARTICLE IV, SECTION 146-113 (ENTITLED, "EXCISE TAX LEVIED; COLLECTION.") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO REQUIRE AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL TO APPROVE ANY ORDINANCE THAT WOULD RESULT IN AN INCREASE IN TAXES; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes the powers and authority of the City Council;

WHEREAS, Article 2, Chapter 3, Section 2-302(a) of the Charter provides that the City Council can, by ordinance, adopt and publish rules to govern its proceedings and transaction ~~of business consistent with the provisions of the Charter;~~

WHEREAS, it is the wish of the City Council to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in an increase in taxes, an increase of fees, or an increase in the City's bond indebtedness; and

WHEREAS, Chapter Two, Article II, Division 2, Subdivision I, Section 2-69 and Chapter Two, Article II, Division 2, Subdivision II, Section 2-96(c) of the Code of Ordinances require an affirmative vote of a simple majority of councilmembers then constituting the membership of the city council for the passage of all types of legislation

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That Chapter 146, Division 2, Article II, Section 146-26 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

Sec. 146-26. Levy.

(a) The affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any increase in ad velorum taxes.

(b) *Purposes.* For the purposes of raising revenues for the support and maintenance of the city government, for the purpose of raising revenue for the payment of principal and interest on the bonded indebtedness of the city, for the purpose of providing improvements for the public parks and for the purpose of raising revenue for the support and maintenance of

education, the taxes set forth in this article are levied and assessed, such levies and assessments to continue each year until amended or repealed.

(c) *General levy.* An ad valorem tax at the rate of \$12.49 less an amount equal to \$4.96 for the rollback of 2008 anticipated sales tax revenue less \$0.44 for millage equivalent rate rollback, to yield a net ad valorem tax at the rate of \$7.09 on every \$1,000.00 or any part thereof of the value of all real and personal property which under the laws of this state is subject to taxation within the corporate limits of the city for this purpose, is hereby levied.

(d) *Bonded indebtedness.* An ad valorem tax at the rate of \$1.41 less \$0.08 for millage equivalent rate rollback to yield a net ad valorem tax at the rate of \$1.33 on every \$1,000.00 or any part thereof of the value of all real and personal property, which, under the laws of this state is subject to taxation within the corporate limits of the city for the purpose of raising revenue for the payment of principal and interest on bonded indebtedness for the City of Atlanta, is hereby levied. An ad valorem tax at the rate of \$.054 on every \$1,000.00 or part thereof of the value of all real and personal property, which, under the laws of this state is subject to taxation within the corporate limits of the city for the purpose of raising revenue for the payment of principal and interest on bonded indebtedness for the Atlanta Board of Education, is hereby levied.

(e) *Parks.* An ad valorem tax at the rate of \$0.50 on every \$1,000.00 or any part thereof of the value of all real and personal property which under the laws of this state, is subject to taxation within the corporate limits of the city for the purpose of raising revenue for the improvement of the public parks of the city, is hereby levied.

(f) *Education levy.* An ad valorem tax at the rate of \$22.649 on every \$1,000.00 or any part thereof of the value of all real and personal property which under the laws of this state is subject to taxation within the corporate limits of the city for this purpose; is hereby levied.

(g) *Special tax district.* An ad valorem tax at the rate of \$0.956 on every \$1,000.00 or any part thereof of all real and personal property within that portion of the City of Atlanta lying in DeKalb County, which under the laws of this state is subject to taxation within the corporate limits of the City of Atlanta for the purpose of raising revenue to provide for library services to residents of the City of Atlanta in DeKalb County, is hereby levied.

(h) *Components listed on bills.* The tax commissioner of Fulton County, by copy of this section, is requested to specifically list all components of the bonded indebtedness levy of the city, and the board of education and the general levy of the city, as set forth in subsections (c), (d) and (f) of this section, on tax bills to be rendered to citizens of the city.

Section 2: That Chapter 146, Article III, Section 146-79 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

Sec.146-79. Levied.

There is levied and assessed and there shall be paid a tax of seven percent of the rent for every occupancy of a guestroom in a hotel in the city. **The affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any increase in hotel or motel occupancy taxes.**

Section 3: That Chapter 146, Article IV, Section 146-113 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

Sec.146-113. Excise tax levied; collection.

(a) The affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any increase in rental motor vehicle excise taxes.

(b) There is hereby assessed and levied an excise tax upon each rental charge collected by any rental motor vehicle concern when such charge constitutes a taxable event for the purposes of the sales and use tax as provided for under O.C.G.A. ch. 8, art. I, as amended. The tax levied pursuant to this article shall be in the amount of three percent of the rental charge as defined herein. The tax levied pursuant to this article shall be imposed only at the time when and the place where a customer pays sales tax with respect to the rental charge. The customer who pays a rental charge that is subject to the tax levy as provided in this article shall be liable for the tax. The tax shall be paid by the customer to the rental motor vehicle concern. The tax shall be a debt of the customer to the rental motor vehicle concern until it is paid and shall be recoverable at law in the same manner as authorized for the recovery for other debts.

(c) The rental motor vehicle concern collecting the tax shall remit the tax to the chief financial officer of the City of Atlanta, Georgia and the tax thus remitted shall be a credit against the tax imposed by this article on the rental motor vehicle concern. Every rental motor vehicle concern subject to the tax levied by this article shall be liable for the tax at the rate of three percent upon the rental charges actually collected or the amount of taxes collected from the customers, whichever is greater.

Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

RCS# 2196
7/07/08
3:11 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 0830, 0831, 0833, 0834,

REFER/FINANCE

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 2195
7/07/08
3:10 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 0830, 0831, 0833, 0834,

REMOVE FR TABLE

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT: 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Hall	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 2040
6/16/08
3:01 PM

Atlanta City Council

REGULAR SESSION

08-O-0829, 08-O-0830, 08-O-0831, 08-O-0833

08-O-0834,
REMAIN TABLED

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

Y Archibong	E Moore	Y Mitchell
Y Fauver	Y Martin	B Norwood
Y Shook	Y Maddox	NV Willis
Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 1952
5/19/08
3:32 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 08-O-0830, 08-O-0831, 08-O-0833
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Y Smith	Y Archibong	Y Moore	Y Mitchell
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MULTIPLE

RCS# 1913
5/05/08
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Atlanta City Council

REGULAR SESSION

MULTIPLE

~~08-O-0826~~, 08-O-0829, 08-O-0830, 08-O-0831, ~~08-O-0833~~
08-O-0834

TABLE

YEAS: 11
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 1
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ABSENT 1

Y Smith	Y Archibong	N Moore	N Mitchell
Y Hall	B Fauver	N Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

AN ORDINANCE BY HOWARD SHOOK

H. Shook

AN ORDINANCE TO AMEND CHAPTER TWO, ARTICLE II, DIVISION 2, SUBDIVISION I, SECTION 2-69 (ENTITLED, "QUORUM; VOTE REQUIRED FOR PASSAGE OF LEGISLATION.") AND CHAPTER TWO, ARTICLE II, DIVISION 2, SUBDIVISION II, SECTION 2-96(c) (ENTITLED, "PRESENCE AT MEETINGS; VOTING ON QUESTIONS.") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO REQUIRE AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL TO APPROVE ANY ORDINANCE THAT WOULD RESULT IN NEW FEES AND TAXES OR AN INCREASE IN EXISTING TAXES, FEES, OR BOND INDEBTEDNESS; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes the powers and authority of the City Council;

WHEREAS, Article 2, Chapter 3, Section 2-302(a) of the Charter provides that the City Council can, by ordinance, adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of the Charter;

WHEREAS, it is the wish of the City Council to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in any new fees and ad valorem taxes, or an increase in existing ad valorem taxes, an increase of existing fees, or an increase in the City's bond indebtedness; and

WHEREAS, Chapter Two, Article II, Division 2, Subdivision I, Section 2-69 and Chapter Two, Article II, Division 2, Subdivision II, Section 2-96(c) of the Code of Ordinances require an affirmative vote of a simple majority of councilmembers then constituting the membership of the city council for the passage of all types of legislation

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That Chapter Two, Article II, Division 2, Subdivision I, Section 2-69 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

Section 2-69. Quorum; vote required for passage of legislation.

A majority of councilmembers then constituting the membership of the Atlanta City Council, not including the president, shall constitute a quorum. The vote of a majority of the councilmembers then constituting the membership of the Atlanta City Council shall be required for the passage of ordinances, resolutions, and matters of parliamentary procedure, except that the affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any of the following: a

new fee, a new ad valorem tax, an increase in existing ad valorem taxes, an increase of existing fees, or an increase in the city's bond indebtedness. The abstention of any member shall not be counted as a vote for the either side of the matter at issue.

Section 2: That Chapter Two, Article II, Division 2, Subdivision II, Section 2-96 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

Section 2-96. Presence at meetings; voting on questions.

(a) Each member of the council shall be present within the chambers of the council during the entirety of each meeting of the council, unless excused or necessarily prevented from being in attendance. Should a member of the council arrive at the meeting after the roll call has been tallied and reported, it is incumbent upon that member to officially declare, for the record, the member's presence at the meeting to the president of council.

(b) Each member shall vote on each question put before the council unless prevented from doing so by the member's compliance with section 2-813 of this Code. The abstention of any member shall not count as a vote for either side of any issue. No member may fulfill the ~~member's obligation to cast a vote on each question put before the council by stating~~ "present."

(c) The affirmative vote of a quorum of the councilmembers then constituting the membership of the Atlanta city Council shall be required for the passage of any ordinance, resolution or other city council legislation, except that the affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any of the following: a new fee, a new ad valorem tax, an increase in existing ad valorem taxes, an increase of existing fees, or an increase in the city's bond indebtedness.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE BY HOWARD SHOOK

AN ORDINANCE TO AMEND CHAPTER TWO, ARTICLE II, DIVISION 2, SUBDIVISION II, SECTION 2-105 (ENTITLED, "ESTABLISHMENT OR CHANGE IN FEES FOR SERVICE; NOTICE TO PUBLIC.") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO REQUIRE AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL TO APPROVE ANY ORDINANCE THAT WOULD RESULT IN ANY NEW FEES OR AN INCREASE IN EXISTING FEES; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes the powers and authority of the City Council;

WHEREAS, Article 2, Chapter 3, Section 2-302(a) of the Charter provides that the City Council can, by ordinance, adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of the Charter;

WHEREAS, it is the wish of the City Council to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in any new fees or an increase of existing fees; and

WHEREAS, Chapter Two, Article II, Division 2, Subdivision II, Section 2-105 provides for rules regarding the establishment or change in fees for service and notice of this establishment or change to the public.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That Chapter Two, Article II, Division 2, Subdivision II, Section 2-105 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

Sec. 2-105. Establishment or change in fees for service; notice to public.

(a) The affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any new fees or the increase of existing fees.

(b) The city council shall not adopt any ordinance or resolution, the purpose of which is to establish a new fee, or charge, or to increase the amount of any existing fee, or charge unless and until all of the following procedures have been performed:

(1) A notice of pending legislation establishing any such fee or fee change has been published at least once in a newspaper of general circulation not less than 30 days prior to final council action pertaining to any such fee or fee change.

(2) The public shall have a period of not less than 30 days after the introduction of any legislation proposing any such new fee or fee change, to submit written comments to the council c/o the municipal clerk.

(3) The appropriate standing committee of the council shall hold at least one public hearing regarding legislation proposing any such new fee or fee change.

(4) Written notice of legislation proposing any such new fee, or charge or to increase the amount of any existing fee, or charge may be provided, for information purposes only, to the Atlanta Planning Advisory Board (APAB) and each neighborhood planning unit (NPU) neighborhood organizations within 30 days after the introduction of any such legislation. Written notice of any such proposed new fee, or charge or increase in any such fee, or charge, may be placed on each NPU agenda for information purposes only.

(c) Any legislation establishing or changing a fee in violation of subsection (b) above, shall be void.

(d) This section shall not be applicable to any service fees related to the operation of the airport.

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE BY HOWARD SHOOK

AN ORDINANCE TO AMEND CHAPTER 146, DIVISION 1, ARTICLE II, SECTION 146-26 (ENTITLED, "LEVY."), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO REQUIRE AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL TO APPROVE ANY ORDINANCE THAT WOULD RESULT IN AN INCREASE IN NEW AD VALORUM TAXES OR AN INCREASE IN CURRENT AD VALORUM TAXES; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes the powers and authority of the City Council;

WHEREAS, Article 2, Chapter 3, Section 2-302(a) of the Charter provides that the City Council can, by ordinance, adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of the Charter;

WHEREAS, it is the wish of the City Council to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in any new ad valorum taxes or an increase in existing ad valorum taxes.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That Chapter 146, Division 2, Article II, Section 146-26 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

Sec. 146-26. Levy.

(a) The affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any new ad valorum taxes or an increase in existing ad valorum taxes.

(b) *Purposes.* For the purposes of raising revenues for the support and maintenance of the city government, for the purpose of raising revenue for the payment of principal and interest on the bonded indebtedness of the city, for the purpose of providing improvements for the public parks and for the purpose of raising revenue for the support and maintenance of education, the taxes set forth in this article are levied and assessed, such levies and assessments to continue each year until amended or repealed.

(c) *General levy.* An ad valorem tax at the rate of \$12.49 less an amount equal to \$4.96 for the rollback of 2008 anticipated sales tax revenue less \$0.44 for millage equivalent rate rollback, to yield a net ad valorem tax at the rate of \$7.09 on every \$1,000.00 or any part thereof of the value of all real and personal property which under the laws of this state is subject to taxation within the corporate limits of the city for this purpose, is hereby levied.

(d) *Bonded indebtedness.* An ad valorem tax at the rate of \$1.41 less \$0.08 for millage equivalent rate rollback to yield a net ad valorem tax at the rate of \$1.33 on every \$1,000.00 or any part thereof of the value of all real and personal property, which, under the laws of this state is subject to taxation within the corporate limits of the city for the purpose of raising revenue for the payment of principal and interest on bonded indebtedness for the City of Atlanta, is hereby levied. An ad valorem tax at the rate of \$.054 on every \$1,000.00 or part thereof of the value of all real and personal property, which, under the laws of this state is subject to taxation within the corporate limits of the city for the purpose of raising revenue for the payment of principal and interest on bonded indebtedness for the Atlanta Board of Education, is hereby levied.

(e) *Parks.* An ad valorem tax at the rate of \$0.50 on every \$1,000.00 or any part thereof of the value of all real and personal property which under the laws of this state, is subject to taxation within the corporate limits of the city for the purpose of raising revenue for the improvement of the public parks of the city, is hereby levied.

(f) *Education levy.* An ad valorem tax at the rate of \$22.649 on every \$1,000.00 or any part thereof of the value of all real and personal property which under the laws of this state is subject to taxation within the corporate limits of the city for this purpose; is hereby levied.

(g) *Special tax district.* An ad valorem tax at the rate of \$0.956 on every \$1,000.00 or any part thereof of all real and personal property within that portion of the City of Atlanta lying in DeKalb County, which under the laws of this state is subject to taxation within the corporate limits of the City of Atlanta for the purpose of raising revenue to provide for library services to residents of the City of Atlanta in DeKalb County, is hereby levied.

(h) *Components listed on bills.* The tax commissioner of Fulton County, by copy of this section, is requested to specifically list all components of the bonded indebtedness levy of the city, and the board of education and the general levy of the city, as set forth in subsections (c), (d) and (f) of this section, on tax bills to be rendered to citizens of the city.

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE BY HOWARD SHOOK

AN ORDINANCE TO AMEND CHAPTER TWO, ARTICLE VI, DIVISION 2, SUBDIVISION II, SECTION 2-351 (ENTITLED, "AUTHORIZATION TO ISSUE COMMERCIAL PAPER.") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO REQUIRE AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL TO APPROVE ANY ORDINANCE THAT WOULD RESULT IN AN INCREASE IN BOND INDEBTEDNESS; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes the powers and authority of the City Council;

WHEREAS, Article 2, Chapter 3, Section 2-302(a) of the Charter provides that the City Council can, by ordinance, adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of the Charter;

~~WHEREAS, it is the wish of the City Council to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in an increase in the City's bond indebtedness; and~~

WHEREAS, Chapter Two, Article II, Division 2, Subdivision I, Section 2-69 and Chapter Two, Article II, Division 2, Subdivision II, Section 2-96(c) of the Code of Ordinances require an affirmative vote of a simple majority of councilmembers then constituting the membership of the city council for the passage of all types of legislation.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That Chapter Two, Article VI, Division 2, Subdivision II, Section 2-351 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

Sec. 2-351. Authorization to issue commercial paper.

(a) The affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any increase in the city's bond indebtedness. This requirement shall not apply to the refunding of any previously issued bonds.

(b) Whenever the city is authorized by law to issue bonds, notes or certificates, including but not limited to general obligation bonds, revenue bonds, bond anticipation notes, tax anticipation notes, or revenue anticipation certificates, the chief financial officer is authorized to issue commercial paper notes in accordance with the provisions set forth in O.C.G.A. § 36-82-240, et seq., as may be amended from time to time.

(c) When the chief financial officer deems that issuance of commercial paper is prudent for the undertaking of certain capital projects, the council shall authorize the chief financial officer to set the maturity dates, principal amounts, redemption provisions, interest rates and other terms and conditions, subject to the parameters established by resolution of the city council.

(d) The chief financial officer, in consultation with the city's financial advisors, is empowered to conduct the transaction of commercial paper notes by competitive or negotiated sale in public offerings and private placements.

(e) In addition to the criteria set forth in Code section 2-323(i), the chief financial officer shall also consider experience as potential underwriters/commercial paper dealers when choosing a financial institution(s) for tax-exempt commercial paper transactions.

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

RCS# 2196
7/07/08
3:11 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 0830, 0831, 0833, 0834,

REFER/FINANCE

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 2195
7/07/08
3:10 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829,0830,0831,0833,0834,

REMOVE FR TABLE

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Hall	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 2040
6/16/08
3:01 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 08-O-0830, 08-O-0831, 08-O-0833

08-O-0834,

REMAIN TABLED

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

Smith	Y Archibong	E Moore	Y Mitchell
Will	Y Fauver	Y Martin	B Norwood
Young	Y Shook	Y Maddox	NV Willis
Islow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 1952
5/19/08
3:32 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 08-O-0830, 08-O-0831, 08-O-0833,
08-O-0834

REMAIN TABLE

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Smith	Y Archibong	Y Moore	Y Mitchell
Hall	Y Fauver	Y Martin	Y Norwood
Young	Y Shook	Y Maddox	Y Willis
Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 1913
5/05/08
3:17 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

~~08-0-0826~~, 08-0-0829, 08-0-0830, 08-0-0831, ~~08-0-0833~~
~~08-0-0834~~

TABLE

YEAS: 11
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	N Moore	N Mitchell
Y Hall	B Fauver	N Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

AN ORDINANCE TO AMEND CHAPTER TWO, ARTICLE II, DIVISION 2, SUBDIVISION II, SECTION 2-105 (ENTITLED, "ESTABLISHMENT OR CHANGE IN FEES FOR SERVICE; NOTICE TO PUBLIC.") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO REQUIRE AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL TO APPROVE ANY ORDINANCE THAT WOULD RESULT IN AN INCREASE IN FEES; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes the powers and authority of the City Council;

WHEREAS, Article 2, Chapter 3, Section 2-302(a) of the Charter provides that the City Council can, by ordinance, adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of the Charter;

~~WHEREAS, it is the wish of the City Council to require an affirmative vote of two-thirds of~~
the total membership of the City Council to approve any ordinance that would result in an increase of fees; and

WHEREAS, Chapter Two, Article II, Division 2, Subdivision II, Section 2-105 provides for rules regarding the establishment or change in fees for service and notice of this establishment or change to the public

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That Chapter Two, Article II, Division 2, Subdivision II, Section 2-105 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

Sec. 2-105. Establishment or change in fees for service; notice to public.

(a) The affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any increase of fees.

(b) The city council shall not adopt any ordinance or resolution, the purpose of which is to establish a new fee, or charge, or to increase the amount of any existing fee, or charge unless and until all of the following procedures have been performed:

(1) A notice of pending legislation establishing any such fee or fee change has been published at least once in a newspaper of general circulation not less than 30 days prior to final council action pertaining to any such fee or fee change.

(2) The public shall have a period of not less than 30 days after the introduction of any legislation proposing any such new fee or fee change, to submit written comments to the council c/o the municipal clerk.

AMENDMENT FORM

COMMITTEE: FINANCE/EXECUTIVE PAGE NUMBER(S): _____

ORDINANCE I.D. # (S): 08-0-0834 SECTION #: 1

RESOLUTION I.D. #: _____ PARAGRAPH: _____

DATE: 4-30-8 INITIAL: JP

Section 1 Section 2-105(a) insert ~~the~~ after the
~~new fee~~ words "result in" the words "new fee and"

(3) The appropriate standing committee of the council shall hold at least one public hearing regarding legislation proposing any such new fee or fee change.

(4) Written notice of legislation proposing any such new fee, or charge or to increase the amount of any existing fee, or charge may be provided, for information purposes only, to the Atlanta Planning Advisory Board (APAB) and each neighborhood planning unit (NPU) neighborhood organizations within 30 days after the introduction of any such legislation. Written notice of any such proposed new fee, or charge or increase in any such fee, or charge, may be placed on each NPU agenda for information purposes only.

(c) Any legislation establishing or changing a fee in violation of subsection (b) above, shall be void.

(d) This section shall not be applicable to any service fees related to the operation of the airport.

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

RCS# 2196
7/07/08
3:11 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829,0830,0831,0833,0834,

REFER/FINANCE

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 2195
7/07/08
3:10 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829,0830,0831,0833,0834,

REMOVE FR TABLE

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Hall	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 2040
6/16/08
3:01 PM

Atlanta City Council

REGULAR SESSION

08-O-0829, 08-O-0830, 08-O-0831, 08-O-0833

08-O-0834,

REMAIN TABLED

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

Y Archibong	E Moore	Y Mitchell
Y Fauver	Y Martin	B Norwood
Y Shook	Y Maddox	NV Willis
Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 1952
5/19/08
3:32 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0829, 08-O-0830, 08-O-0831, 08-O-0833

08-O-0834

REMAIN TABLE

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 1913
5/05/08
3:17 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

~~08-O-0826~~, 08-O-0829, 08-O-0830, 08-O-0831, ~~08-O-0833~~
08-O-0834

TABLE

YEAS: 11
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	N Moore	N Mitchell
Y Hall	B Fauver	N Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

Carl S. Boone n. Sheperd
08-10-1233
Felicia A. Moore
08-0-1233
AN ORDINANCE BY
COUNCILMEMBER FELICIA MOORE

AN ORDINANCE TO REQUIRE NOTICE IN CITY CONTRACTS REGARDING THE REQUIREMENT FOR LEGISLATIVE AUTHORIZATION IN ADVANCE OF RENDERING SERVICES OR DEMAND FOR PAYMENT, AND FOR OTHER PURPOSES.

1st Shm Clair Muller
KWANZA HALL

WHEREAS, the Atlanta City Council has been informed of various instances in which goods or services have been rendered to the City in excess of the scope of legislative authorization; and

WHEREAS, the effect of unauthorized contracts is, among other things, to undermine the Chief Financial Officer's ability to accurately ascertain the City's debt and to maintain the City budget; and

WHEREAS, the City's contracts establish the City's best and longest-lasting communication with vendors about the City's business processes; and

WHEREAS, Section 2-1291 of the City of Atlanta Procurement and Real Estate Code provides for the inclusion of certain clause in City contracts.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1. That Section 2-1291 of the City of Atlanta Procurement and Real Estate Code be amended to read as follows:

Sec. 2-1291. Responsibilities and rights of parties to contract.

All city contracts for supplies, services, construction and professional and consultant services shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The chief procurement officer, after consultation with the city attorney, may issue such appropriate clauses, addressing at least the following subjects:

- (1) The unilateral right of the city to order in writing changes in work or services within the general scope of the contract;
- (2) The unilateral right of the city to order in writing a temporary suspension of the work or services or delaying performance that does not alter the scope of the contract;

- (3) Variations occurring between estimated quantities of work or services in a contract and actual quantities;
- (4) Defective pricing;
- (5) Liquidated damages;
- (6) Specified excuses for delay or nonperformance;
- (7) Termination of the contract for default;
- (8) Termination of the contract in whole or in part for the convenience of the city;
- (9) Site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract when:
 - a. The contract is negotiated;
 - b. The contractor provides the site or design; or
 - c. The parties have otherwise agreed with respect to the risk of differing site conditions; and
- (10) An acknowledgement by each contractor to the following effect should be included in each contract:

"Contractor acknowledges that this contract may require authorization by the Atlanta City Council and that failure to obtain such authorization shall not result in liability to the City. Contractor further acknowledges that if it provides goods or services to the City which have not been properly authorized by the Atlanta City Council, the City does not assure payment for the goods or services provided and all risk of non-payment, in that event, shall be born by the Contractor."

Section 2. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent of such conflict.

**AN ORDINANCE
BY COUNCILMEMBER C. T. MARTIN**

AN ORDINANCE TO AMEND THE PENSION ACTS APPLICABLE TO MEMBERS OF THE GENERAL EMPLOYEES PENSION FUND OF THE CITY OF ATLANTA, SO AS TO PROVIDE FOR A RETIREMENT PROGRAM FOR EMPLOYEES INVOLUNTARILY SEPARATED TO BALANCE THE CITY OF ATLANTA 2009 AND 2010 FISCAL YEAR BUDGETS AND FOR REORGANIZATION OF THE WORKFORCE; AND FOR OTHER PURPOSES.

WHEREAS, departments within the City of Atlanta have and may undergo a Reduction in Force (RIF) due to the budget cutbacks for the 2009 and 2010 Fiscal Year Budgets, and

WHEREAS, the City of Atlanta desires to minimize the impact of a reduction in its workforce on long term employees.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: that Georgia Laws 1927, p. 265, as amended by Georgia Laws 1978, p. 4546, is hereby further amended by adding additional subsections which shall provide as follows:

(a) Any officer or employee who is a member of the General Employees Pension Fund, who shall have served at least 15 years in the active service of the City, and who is involuntarily separated due to or in association with the Reduction in Force (RIF) between June 1, 2008 and June 30, 2010, may elect to take a monthly retirement benefit to be computed as follows: Said monthly retirement benefit shall be equal to a normal monthly pension benefit less one-fourth (1/4) of one percent (1 %) per month for each month not to exceed 60 months that the officer or employee lacks in being 60 years of age, and one-eighth (1/8) of one percent (1 %) per month for each month in excess of 60 months that the officer or employee lacks in being 60 years of age.

(b) Any former officer or employee eligible to retire pursuant to this ordinance who has been involuntarily separated due to or in association with a RIF, but not due to disciplinary action, between June 1, 2008 and June 30, 2010 and has already applied for and/or has been granted a service pension, may make written application to the Pension Office within the two year reemployment rights period to receive the benefit authorized in subsection (a) of this Ordinance.

(c) Any former officer or employee eligible to retire pursuant to this ordinance who has been involuntarily separated due to or in association with a RIF, but not due to disciplinary action between June 1, 2008 and June 30, 2010 and has applied for and received a refund of his/her pension contribution, may, within the two year reemployment rights period, repay said contribution plus interest at a rate of (7%) seven percent per annum from the date of withdrawal of his/her contribution, to the date that he/she makes written application to the Pension Office for the purpose of receiving the benefit authorized in subsection (a) of this Ordinance.

(d) This ordinance shall not apply to officers or employees who are rehired by the City of Atlanta or whose services are retained by the City pursuant to a contract; nor shall this ordinance apply to officers or employees who reject or have rejected an offer of reemployment made by the City, to a position comparable to that from which the officer or employee was RIFFED or involuntary separated in conjunction with the budgetary needs

or other purposes. For officers or employees who were RIFFED or so involuntarily separated prior to the enactment of this ordinance, said enactment hereof. For officers or employees who are RIFFED or so involuntarily separated prior to the enactment of this ordinance, said offer of reemployment must be made within six (6) months of the enactment hereof. For officers or employees who are RIFFED or so involuntarily separated subsequent to the enactment of this ordinance, said offer of reemployment must be made within six (6) months of the date of separation of any such officer or employee. For purposes of this subsection, a "comparable position" shall be defined as one for which the compensation is equal to or no less than 90% of the compensation earned by such officer or employee at the time of separation.

SECTION 2: That the Chief Financial Officer of designee be authorized to transfer expenses between various departments' personnel line items to accommodate the inequity from the Early Retirement Program savings realized between departments.

Section 3-507. Modification of pension plans.

As authorized by the provisions of the Constitution of the State of Georgia of 1983, Article IX, Section II, Paragraph III(a)(14), the Acts, approved February 15, 1933, August 13, 1927, and August 20, 1974 (found respectively at Ga. L. 1933, p. 213, et seq.; Ga. L. 1927, p. 265, et seq.; Ga. L. 1924, p. 167, et seq., all as amended), providing for pensions for officials and employees of cities having a population of 300,000 or more according to the United States Census of 1920 or any subsequent census thereof, shall be modified, insofar as they appertain to employees and officials of the City of Atlanta and its board of education in accordance with the following rules and procedures:

- (1) Any other provisions in the Charter notwithstanding, any pension law modification shall be effected only by ordinance adopted by at least two-thirds of the total membership of the council and duly approved by the mayor;
- (2) Any such ordinance shall be considered by the council only after receipt of:
 - a. An investigation by an independent actuary of any such proposed modification, evidenced by a written report from such actuary which shall include, but not be limited to, such actuary's analysis of the funding requirements relating to any such modification and the opinion of such actuary as to the propriety of any such modification. Any such opinion must state that such modification is in conformity with applicable state laws governing the funding requirements for modifications to such pension plans. Such opinion shall be accompanied by the written recommendations of the city attorney and chief financial officer;
 - b. A written recommendation concerning such ordinance adopted by at least two-thirds of the membership of the board of trustees of each of the respective pension funds affected by such modification; such recommendation shall be considered by, but shall not be binding upon, the council;
 - c. Any such ordinance modifying the Act approved August 13, 1927 (Ga. L. 1927, p. 265 et seq., as amended) and affecting employees of the Atlanta Board of Education shall become effective as to such employees only after such modification is adopted by a majority of the total membership of the Atlanta Board of Education.
- (3) No substitute or amendment to any ordinances presented to the council hereunder shall be considered without a subsequent investigation of such proposed substitute or amendment by an independent actuary as provided in (b)(1), hereinabove, and the recommendation of the board of trustees of the respective pension fund affected by such modification as set forth in (b)(2), hereinabove;
- (4) No ordinance which modifies any of the aforesaid pension laws and has a fiscal impact on the pension systems established by such laws shall be adopted by the council or approved by the mayor until adequate provision for funding such modification has been made to defray the fiscal impact of such modification;
- (5) *Limitation on annual benefit.* Notwithstanding any provisions to the contrary, an

employee's or officer's annual benefit attributable to nonemployee contributions shall not exceed the lesser of: (a) 100 percent of the employee's or officer's highest three consecutive years' average applicable compensation or (b) a dollar amount which is adjusted for inflation based on section 215(i)(2)A of the Social Security Act, as amended. Furthermore, if the employee or officer retires before age 62 the limit shall be actuarially reduced in accordance with Internal Revenue Code Section 415(b), as now or hereafter amended;

- (6) *Forfeiture of benefits.* An employee or officer who is not entitled to any vested continuing pension benefits at or after his or her last termination date must, within seven years thereafter, apply for a refund of his or her employee contributions to the fund; otherwise said contributions shall be forfeited to the pension fund.

An employee or officer who is entitled to a continuing pension benefit on or after the date of the last termination date must, within seven years after said benefits become duly vested and payable, either apply for benefits or claim a refund of his or her employee contributions to the pension fund; otherwise said payments shall be forfeited to the pension fund.

(1996 Ga. L. (Act No. 1019), p. 4469)

AN ORDINANCE

BY: COUNCILMEMBER FELICIA MOORE

AN ORDINANCE TO AMEND THE FY 2009
(GENERAL FUND) BUDGET TO REESTABLISH
THE DEPARTMENT OF FIRE AND RESCUE
SPECIAL OPERATIONS SQUAD BY
TRANSFERRING APPROPRIATIONS FROM
VARIOUS NON-PERSONNEL ACCOUNTS YET TO
BE DETERMINED TO THE DEPARTMENT OF
FIRE AND RESCUE BUDGET FUND DEPARTMENT
ACCOUNT AND ORGANIZATION NUMBER; AND
FOR OTHER PURPOSES.

WHEREAS, the City Council adopted the FY 2009 Budget on June 27, 2008 and forwarded it to the Mayor with an additional 2.5% reduction to the General Fund Budget as opposed to the Mayor's proposed property tax increase to balance the Budget; and

WHEREAS, the 2.5% cut amounted to an additional reduction of \$14,575,000.00 to the General Fund Budget; and

WHEREAS, the City Council adopted resolution 08-R-1350 encouraging the Mayor to implement the 2.5% reduction to the Budget without closing any fire station, swimming pool or recreation center or further cutting filled City positions; and

WHEREAS, in implementing the FY 2009 Budget the Mayor cut an additional \$7,000,000.00 beyond the \$14,575,000.00 resulting from the 2.5% across the board reduction; 165 positions, including 72 filled; ordered the closing and decommissioning of Atlanta Fire Station No. 7, including the Fire and Rescue Special Operations Squad; and

WHEREAS, it is estimated that the elimination of the Fire and Rescue Special Operations Squad will reduce the FY 2009 Department of Fire and Rescue Budget by up to \$1,410,000.00; and

WHEREAS, the City Council analysis of the FY 2009 General Fund Budget indicates that reductions could have been made in other areas; and

WHEREAS, citizens of the City of Atlanta and the Atlanta City Council have expressed their extreme disappointment with the disbanding of the Fire and Rescue Special Operations Squad; and

WHEREAS, in the post 9-11 environment and in anticipation of unexpected natural disasters, the City Council feels that it is imperative to have an emergency response unit like the Fire and Rescue Special Operations Squad.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA,
GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Chief Financial Officer is authorized to amend the FY 2009
(General Fund) Budget as follows:

TRANSFER FROM APPROPRIATIONS

1001	General Fund	\$1,410,000.00
xxxxxx	Various non-personnel items yet to be determined	
xxxxxxx		
xxxxxxx		

TRANSFER TO APPROPRIATIONS

1001	General Fund	\$1,410,000.00
230102	Department of Fire and Rescue	
5111006		
3520000		

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby
repealed for purposes of the ordinance only, and only to the extent of the conflict.

AN ORDINANCE BY
FINANCE/ EXECUTIVE COMMITTEE

A THIRTEENTH SUPPLEMENTAL BOND ORDINANCE SUPPLEMENTING THE RESTATED AND AMENDED MASTER BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON MARCH 20, 2000 (99-O-1896), AS AMENDED AND SUPPLEMENTED BY THE FIRST SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON MARCH 30, 2000 (00-O-0214), THE SECOND SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON OCTOBER 7, 2002 (02-O-1463), THE AMENDED AND RESTATED THIRD SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON MAY 19, 2003 (03-O-772), THE FOURTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON JUNE 2, 2003 (03-O-0835), THE FIFTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON SEPTEMBER 15, 2003 (03-O-1448), THE SIXTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON NOVEMBER 17, 2003 (03-O-1871), THE SEVENTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON APRIL 19, 2004 (04-O-0431) AND THE EIGHTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON OCTOBER 18, 2004 (04-O-1811), THE NINTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON OCTOBER 3, 2005 (05-O-1717), THE TENTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON APRIL 17, 2006 (06-O-0551), THE ELEVENTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON APRIL 17, 2006 (06-O-0552), AND THE TWELFTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON FEBRUARY 18, 2008 (08-O-0216), TO PROVIDE FOR THE ISSUANCE OF AIRPORT LIMITED OBLIGATION BOND ANTICIPATION NOTES, TO PROVIDE FUNDS TO FINANCE OR REFINANCE, IN WHOLE OR IN PART ON AN INTERIM BASIS, THE COST OF THE PLANNING, ENGINEERING, DESIGN, ACQUISITION AND CONSTRUCTION OF CERTAIN IMPROVEMENTS TO HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, AND TO PAY EXPENSES RELATING THERETO; TO AUTHORIZE AND APPROVE THE PREPARATION, USE AND DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE OFFER AND SALE OF THE BOND ANTICIPATION NOTES; TO PROVIDE FOR THE FORM OF THE BOND ANTICIPATION NOTES AND FOR THE EXECUTION OF THE BOND ANTICIPATION NOTES; TO PROVIDE FOR THE PLACE OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND ANTICIPATION NOTES; TO AMEND CERTAIN PROVISIONS OF THE RESTATED AND AMENDED MASTER BOND ORDINANCE RELATING TO MAINTENANCE OF THE DEBT SERVICE RESERVE REQUIREMENT AND CONDITIONS FOR ISSUANCE OF ADDITIONAL BONDS AND FOR OTHER PURPOSES.

THIRTEENTH
SUPPLEMENTAL BOND ORDINANCE

ADOPTED SEPTEMBER __, 2008
BY THE CITY COUNCIL OF THE CITY OF ATLANTA
PROVIDING FOR THE ISSUANCE OF

Not-to-Exceed \$615,000,000
Airport Limited Obligation Bond Anticipation Notes
Series 2008
Series 2008A (Non-AMT)
Series 2008B (AMT)

Not-to-Exceed \$800,000,000
Airport General Revenue Bonds, Series 2009
Series 2009A (Non-AMT)
Series 2009B (AMT)

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EXHIBIT A	2008 BAN Project	
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A THIRTEENTH SUPPLEMENTAL BOND ORDINANCE SUPPLEMENTING THE RESTATED AND AMENDED MASTER BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON MARCH 20, 2000 (99-O-1896), AS AMENDED AND SUPPLEMENTED BY THE FIRST SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON MARCH 30, 2000 (00-O-0214), THE SECOND SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON OCTOBER 7, 2002 (02-O-1463), THE AMENDED AND RESTATED THIRD SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON MAY 19, 2003 (03-O-772), THE FOURTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON JUNE 2, 2003 (03-O-0835), THE FIFTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON SEPTEMBER 15, 2003 (03-O-1448), THE SIXTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON NOVEMBER 17, 2003 (03-O-1871), THE SEVENTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON APRIL 19, 2004 (04-O-0431) AND THE EIGHTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON OCTOBER 18, 2004 (04-O-1811), THE NINTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON OCTOBER 3, 2005 (05-O-1717), THE TENTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON APRIL 17, 2006 (06-O-0551), THE ELEVENTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON APRIL 17, 2006 (06-O-0552), AND THE TWELFTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON FEBRUARY 18, 2008 (08-O-0216), TO PROVIDE FOR THE ISSUANCE OF AIRPORT LIMITED OBLIGATION BOND ANTICIPATION NOTES; TO PROVIDE FUNDS TO FINANCE OR REFINANCE, IN WHOLE OR IN PART ON AN INTERIM BASIS, THE COST OF THE PLANNING, ENGINEERING, DESIGN, ACQUISITION AND CONSTRUCTION OF CERTAIN IMPROVEMENTS TO HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, AND TO PAY EXPENSES RELATING THERETO; TO AUTHORIZE AND APPROVE THE PREPARATION, USE AND DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE OFFER AND SALE OF THE BOND ANTICIPATION NOTES; TO PROVIDE FOR THE FORM OF THE BOND ANTICIPATION NOTES AND FOR THE EXECUTION OF THE BOND ANTICIPATION NOTES; TO PROVIDE FOR THE PLACE OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND ANTICIPATION NOTES; TO AMEND CERTAIN PROVISIONS OF THE RESTATED AND AMENDED MASTER BOND ORDINANCE RELATING TO MAINTENANCE OF THE DEBT SERVICE RESERVE REQUIREMENT AND CONDITIONS FOR ISSUANCE OF ADDITIONAL BONDS AND FOR OTHER PURPOSES:

WHEREAS, the City of Atlanta (the "City") is a municipal corporation duly created and existing under the laws of the State of Georgia; and

WHEREAS, pursuant to the Constitution and laws of the State of Georgia, including specifically, but without limitation, the Revenue Bond Law (Title 36, Chapter 82, Article 3 of the Official Code of Georgia Annotated, as amended) and the charter of the City, as amended (the "Charter"), the City is authorized to undertake the acquisition, construction, reconstruction and improvement of airports for its own use and for the use of the public and to issue revenue bonds to finance and refinance the cost of such undertaking; and

WHEREAS, the City owns and operates Hartsfield-Jackson Atlanta International Airport (the "Airport"); and

WHEREAS, pursuant to that certain Bond Ordinance adopted May 17, 1977, as amended (the "1977 Bond Ordinance"), the City has heretofore issued multiple series of airport revenue bonds; and

WHEREAS, the City previously determined that it desired to amend the 1977 Bond Ordinance to provide flexibility for Airport operations and permit the use of new financing devices and structures in the future, which flexibility was not available under the terms of the 1977 Bond Ordinance; and

WHEREAS, the City, pursuant to that certain Amended and Restated Master Bond Ordinance adopted March 20, 2000 (Ordinance No. 99-O-1896) (the "Master Bond Ordinance") as amended and supplemented by the First Supplemental Bond Ordinance adopted March 30, 2000 (Ordinance No. 00-O-0214) (the "First Supplemental Bond Ordinance"), provided for (a) the amendment and restatement of the 1977 Bond Ordinance, (b) the issuance and delivery of \$711,880,000 original aggregate principal amount of Airport General Revenue and Refunding Bonds, Series 2000A (the "Series 2000A Bonds"), \$201,995,000 original aggregate principal amount of Airport General Revenue Bonds, Series 2000B (the "Series 2000B Bonds") and \$96,400,000 original aggregate principal amount of Airport General Revenue Refunding Bonds, Series 2000C (the "Series 2000C Bonds" and, together with the Series 2000A Bonds and the Series 2000B Bonds, the "Series 2000 Bonds"), which are currently outstanding in the aggregate principal amount of \$[536,680,000] and (c) the defeasance of a portion of the airport revenue bonds then outstanding under the 1977 Bond Ordinance with a portion of the proceeds of the Series 2000 Bonds; and

WHEREAS, upon the adoption of the Master Bond Ordinance, the bonds issued by the City under the 1977 Bond Ordinance and not defeased with proceeds of the Series 2000 Bonds (the "1977 Ordinance Bonds"), became subject to the security and the terms and provisions of the Master Bond Ordinance; and

WHEREAS, pursuant to the Master Bond Ordinance and the Second Supplemental Bond Ordinance of the City of Atlanta adopted on October 7, 2002 (Ordinance No. 02-O-1463) (the "Second Supplemental Bond Ordinance"), the City issued its Airport Limited Obligation Bond Anticipation Notes, Series 2002 (the "Series 2002 Notes") in the aggregate principal amount of \$300,000,000, which Series 2002 Notes were defeased with the proceeds of the hereinafter described Series 2003 Notes; and

WHEREAS, pursuant to the terms of the Master Bond Ordinance, as supplemented by the Amended and Restated Third Supplemental Bond Ordinance of the City of Atlanta adopted on May 19, 2003 (Ordinance No. 03-O-0772) (the "Third Supplemental Bond Ordinance"), the City issued and delivered \$86,055,000 original aggregate principal amount of its Airport General Revenue Refunding Bonds, Series 2003 RF-A and \$490,170,000 original aggregate principal amount of its Variable Rate Airport General Revenue Refunding Bonds, Series 2003 RF-B-1, 2003 RF-B-2, 2003 RF-B-3, 2003 RF-C-1, 2003 RF-C-2, and 2003 RF-C-3 (the "Series 2003 RF-A/B/C Bonds"), which are currently outstanding in the aggregate principal amount of \$[531,975,000]; and

WHEREAS, pursuant to the terms of the Master Bond Ordinance, the issuance of the Series 2003 RF-A/B/C Bonds triggered the Lien Clarification Date (as defined in the Master Bond Ordinance) which provides that the 1977 Ordinance Bonds, until their defeasance or payment, have a claim to payment from all lawfully and unconditionally received 1977 Pledged Revenues (as defined in the Master Bond Ordinance), prior to other Bonds, including the Series 2000 Bonds and any Additional Bonds; and

WHEREAS, the 1977 Ordinance Bonds are comprised of the City's Airport Facilities Revenue Bonds, Series 1990 (Capital Appreciation Bonds), Airport Facilities Revenue Bonds, Series 1994B and Airport Facilities Revenue Refunding Bonds, Series 1996, which (after accounting for the redemption of the Series 1994B Bonds) are currently outstanding in the aggregate principal amount \$[36,133,322.25]; and

WHEREAS, the Master Bond Ordinance was further supplemented by the Fourth Supplemental Bond Ordinance of the City of Atlanta adopted on June 2, 2003 (Ordinance No. 03-O-07835) (the "Fourth Supplemental Bond Ordinance"), pursuant to which certain definitions in the Master Bond Ordinance were modified; and

WHEREAS, the Master Bond Ordinance was further supplemented by the Fifth Supplemental Bond Ordinance of the City of Atlanta adopted on September 15, 2003 (Ordinance No. 03-O-1448) (the "Fifth Supplemental Bond Ordinance"), pursuant to which the City issued and delivered \$395,000,000 original aggregate principal amount of its Airport Limited Obligation Bond Anticipation Notes, Series 2003 (the "Series 2003 Notes"), which Series 2003 Notes were defeased with the proceeds of the hereinafter-described Series 2004C/D/E Bonds; and

WHEREAS, the Master Bond Ordinance was further supplemented by the Sixth Supplemental Bond Ordinance of the City of Atlanta adopted on November 17, 2003 (Ordinance No. 03-O-1871) (the "Sixth Supplemental Bond Ordinance"), pursuant to which the City issued and delivered \$118,270,000 original aggregate amount of its Airport General Revenue Refunding Bonds, Series 2003RF-D (the "Series 2003RF-D Bonds," and, together with the Series 2003RF-A/B/C Bonds, the "Series 2003 Bonds"), which are currently outstanding in the aggregate principal amount of \$[108,140,000], to refund a portion of the 1977 Ordinance Bonds; and

WHEREAS, the Master Bond Ordinance was further supplemented by the Seventh Supplemental Bond Ordinance of the City of Atlanta adopted on April 19, 2004 (Ordinance No.

04-O-0431) (the "Seventh Supplemental Bond Ordinance"), pursuant to which the City issued and delivered \$222,820,000 original aggregate principal amount of its Airport General Revenue Bonds Series 2004A and Series 2004B (the "Series 2004A/B Bonds") and \$529,270,000 original aggregate principal amount of its Airport Passenger Facility Charge and Subordinate Lien General Revenue Bonds, Series 2004C, 2004D-1, 2004D-2, 2004E-1 and 2004E-2 (the "Series 2004C/D/E Bonds"), which are currently outstanding in the aggregate principal amount of \$[615,990,000] to (a) refund the Series 2003 Notes, and (b) provide funds for the 2004 Project (as defined in the Seventh Supplemental Bond Ordinance); and

WHEREAS, the Master Bond Ordinance was further supplemented by the Eighth Supplemental Bond Ordinance of the City of Atlanta adopted on October 18, 2004 (Ordinance No. 04-O-1811) (the "Eighth Supplemental Bond Ordinance"), pursuant to which the City issued and delivered \$180,090,000 original aggregate principal amount of its Airport General Revenue Bonds, Series 2004F, 2004G and 2004I (the "Series 2004F/G/I Bonds") and \$584,110,000 original aggregate principal amount of its Airport Passenger Facility Charge and Subordinate Lien General Revenue Bonds, Series 2004J, Series 2004K-1, Series 2004K-2, Series 2004K-3 and Series 2004K-4 (the "Series 2004J/K Bonds"), which (after accounting for the redemption of the Series 2004I and Series 2004K Bonds) are currently outstanding in the aggregate principal amount of \$[364,325,000], to provide funds for the 2004F-K Project (as defined in the Eighth Supplemental Bond Ordinance); and

WHEREAS, the Master Bond Ordinance was further supplemented by the Ninth Supplemental Bond Ordinance of the City of Atlanta adopted on October 3, 2005 (Ordinance No. 05-O-1717) (the "Ninth Supplemental Bond Ordinance"), pursuant to which the City authorized the issuance of up to \$350,000,000 of its Airport General Revenue Commercial Paper Notes, Series 2005A-1 and 2005A-2 (the "Series 2005A Notes") and up to \$200,000,000 of its Airport Passenger Facility Charge and Subordinate Lien General Revenue Commercial Paper Notes, Series 2005B-1 and 2005B-2 (the "Series 2005B Notes") to provide funds for the 2005 Notes Project (as defined in the Ninth Supplemental Bond Ordinance); and

WHEREAS, the Master Bond Ordinance was further supplemented by the Tenth Supplemental Bond Ordinance of the City of Atlanta adopted on April 17, 2006 (Ordinance No. 06-O-0551) (the "Tenth Supplemental Bond Ordinance"), pursuant to which certain provisions of the Eighth Supplemental Bond Ordinance were amended with respect to the use of the proceeds of the Series 2004F-K Bonds; and

WHEREAS, the Master Bond Ordinance was further supplemented by the Eleventh Supplemental Bond Ordinance of the City of Atlanta adopted on April 17, 2006 (Ordinance No. 06-O-0552) (the "Eleventh Supplemental Bond Ordinance"), pursuant to which the City authorized a Ground Lease Agreement with the City of College Park and an Installment Purchase Agreement with the City of College Park, to be treated as a Released Revenue Bond Secured by a Senior Lien on Customer Facility Charge (CFC) Revenues; and

WHEREAS, the Master Bond Ordinance was further supplemented by the Twelfth Supplemental Bond Ordinance of the City of Atlanta adopted on February 18, 2008 (Ordinance No. 08-O-0216) (the "Twelfth Supplemental Bond Ordinance"), pursuant to which certain provisions of the Eighth Supplemental Bond Ordinance were amended and certain unexpended

construction fund proceeds were transferred and applied to exercise certain optional redemptions for prior bonds; and

WHEREAS, capitalized terms used herein and not otherwise defined herein are used with the meanings assigned thereto by the Master Bond Ordinance, as amended; and

WHEREAS, the terms "Revenues," "Net General Revenues," "Net Revenues," "Operating Expenses," "General Revenues," "PFC Revenues," "Special Purpose Revenues," "Released Revenues" and "1977 Pledged Revenues," are defined in the Master Bond Ordinance, as supplemented by each of the Prior Supplemental Bond Ordinances, as:

"Revenues" means (i) all revenues, income, receipts and money derived from the ownership and operation of the Airport, including without limitation all rentals, charges, landing fees, use charges and concession revenue received by or on behalf of the City, Investment Earnings and all other income received from, and gain from, securities and other investments and amounts earned on amounts deposited in funds and accounts under the Bond Ordinance or otherwise maintained with respect to the Airport, and (ii) all gifts, grants, reimbursements or payments received from governmental units or public agencies for the benefit of the Airport which are (y) not restricted by law or the payor to application for a particular purpose other than payment of certain Bonds or Contracts and (z) otherwise lawfully available for payment of bonds or Contracts; provided "Revenues" includes PFC Revenues. The term "Revenues" does not include proceeds of insurance so long as such proceeds are to be paid to a party separate from the City in respect of a liability or are to be used to repair or replace portions of the Airport. "Revenues" are to be calculated on a cash basis rather than on an accrual basis.

"Net General Revenues" means General Revenues, including amounts in the General Revenue Enhancement Subaccount, net of Operating Expenses.

"Net Revenues" means, for each category of Revenues, Revenues net of related Operating Expenses; provided for General Revenues, amounts in the General Revenue Enhancement Subaccount shall be taken into account as General Revenues, and for PFC Revenues, amounts in the PFC Revenue Enhancement Account shall be taken into account as PFC Revenues.

"Operating Expenses" means all expenses reasonably incurred in connection with the operation, maintenance, repair, ordinary replacement and ordinary reconstruction of the Airport, including without limitation salaries, wages, the cost of materials, services and supplies, rentals of leased property, if any, management fees, utility costs, the cost of audits, Paying Agent's and Issuing and Paying Agent's fees, payment of premiums for insurance required by the Bond Ordinance and other insurance which the City deems prudent to carry on the Airport and its operations and personnel, and, generally, all expenses, exclusive of depreciation or amortization, which are properly allocable to operation and maintenance; however, only such expenses as are reasonably necessary or desirable for the proper operation and maintenance of the Airport shall be included. "Operating Expenses" also includes the City's obligations under any contract with any other political subdivision or public agency or authority of one or more political

subdivisions pursuant to which the City undertakes to make payments measured by the expenses of operating and maintaining any facility which constitutes part of the Airport and which is owned and operated in part by the City and in part by others. "Operating Expenses" does not include any payments on Bonds, Contracts (including continuing commissions or commitment fees, remarketing agent fees, Additional Interest or amounts equivalent to principal on related Bonds) or Other Airport Obligations. "Operating Expenses" are to be calculated on a cash basis rather than on an accrual basis. To the extent Operating Expenses are allocable to particular related facilities, a lien on the portion of Revenues related thereto shall not provide a claim on such Revenues ahead of the use thereof for payment of such allocable Operating Expenses.

"General Revenues" means all Revenues other than PFC Revenues, Special Purpose Revenues and Released Revenues.

"PFC Revenues" means all income and revenue received by or required to be remitted to the City from the passenger facility charges imposed by the City pursuant to the Aviation Safety and Capacity Expansion Act of 1990, Pub. L. 101-508, Title IX, Subtitle B, §§ 9110 and 9111, as amended from time to time ("**PFC Act**"), Part 158 of the Federal Aviation Regulations (14 CFR Part 158), as amended from time to time, and any other regulation issued with respect to the PFC Act ("**PFC Regulations**") and the City Ordinance adopted on February 26, 1997, including any interest earned after such charges have been remitted to the City as provided in the PFC Regulations, all of which may be pledged pursuant to the PFC Act and PFC Regulations §158.13; provided, the term "PFC Revenues" also includes any interest or other gain in any of the accounts or subaccounts created in the Master Bond Ordinance or in any Supplemental Ordinance resulting from any investments and reinvestments of PFC Revenues.

"Special Purpose Revenues" means Revenues arising from or generated by one or more Special Purpose Facilities (as defined in the Master Bond Ordinance); provided if the consolidated rental car facility described in the First Supplemental Bond Ordinance is designated as a Special Purpose facility, the related Special Purpose Revenues shall not include any privilege fee or similar charge assessed by the City or the Airport for rental car concessions.

"Released Revenues" means particular categories of Revenues which would otherwise be General Revenues or PFC Revenues but have been identified in accordance with Section 505 of the Master Bond Ordinance and therefore do not constitute a part of General Revenues or PFC Revenues, until the City has acted to include such categories of Revenues within General Revenues or PFC Revenues again.

"1977 Pledged Revenues" means all revenues generated by the Airport less the reasonable and necessary costs of operating, maintaining and repairing the Airport, including salaries, wages, the cost of materials and supplies, rental of leased property, if any, insurance and other charges as may be properly made for the purpose of operating, maintaining and repairing the Airport in accordance with sound business practice, but excluding depreciation; provided for purposes of this definition, the term "Airport" shall include facilities designed as "Special Purpose Facilities" under the 1977 Bond

Ordinance which are not connected with the general operation of Airport by the City and not designated or intended for use directly in connection with the transportation of passengers, baggage or freight or the furnishing of service in connection with such transportation.

WHEREAS, the 1977 Ordinance Bonds, the Series 2000 Bonds, the Series 2003 Bonds, the Series 2004A/B Bonds, the Series 2004C/D/E Bonds, the Series 2004F/G/I Bonds, the Series 2004J/K Bonds, the Series 2005A Notes and the Series 2005B Notes are the only bonded indebtedness outstanding secured by a lien on the General Revenues of the Airport; and

WHEREAS, the Series 2000 Bonds, the Series 2003 Bonds, the Series 2004A/B Bonds, the Series 2004 F/G/I Bonds and the Series 2005A Notes are sometimes collectively referred to as the "Senior Lien General Revenue Bonds") and the Series 2004 C/D/E Bonds, the Series 2004 J/K Bonds and the Series 2005B Notes are Hybrid Bonds (as defined in the Master Bond Ordinance); and

WHEREAS, the Series 2004C/D/E Bonds, the Series 2004J/K Bonds and the Series 2005B Notes are the only bonded indebtedness outstanding, secured by a lien on the PFC Revenues of the Airport; and

WHEREAS, the Capital Improvement Plan includes the planning, engineering, design, acquisition, equipping and construction of (a) airfield projects, (b) improvements to the existing central passenger terminal complex, (c) the Maynard H. Jackson, Jr. International Terminal and other future terminal facilities, (d) automated people mover systems and other people transportation projects, (e) Airport access, roadway and parking projects, (f) all other ancillary facilities required in the opinion of the Airport Manager for the operation of the Airport including, but not limited to, car rental and other Airport support facilities, utilities, safety and security, air cargo and environmental projects, (g) replacement and improvements of, and extensions to, existing Airport facilities and (h) the acquisition of property, both real and personal, useful or desirable in connection therewith (the "Capital Improvement Plan"); and

WHEREAS, the City desires to provide for the interim financing of a portion of the Capital Improvements Plan consisting of (i) [the acquisition, construction and installation of the Maynard H. Jackson, Jr. International Terminal, including, but not limited to, its superstructure, elevators, mechanical, engineering and plumbing systems, terminal roads, automated people mover (APM) system, baggage handling system, a terminal parking structure, embankment structures and utilities together with all other ancillary facilities required in the opinion of the Airport Manager for the operation of the Maynard H. Jackson Jr. International Terminal], (the "2008 BAN Project") and (ii) paying cost of issuing the Notes (hereinafter defined); and

WHEREAS, the costs of the 2008 BAN Project are detailed in a report prepared by the staff of the Department of Aviation of the City, a copy of which is attached to this Thirteenth Supplemental Bond Ordinance as Exhibit "A" and hereby made a part hereof; and

WHEREAS, it has been determined that the most feasible method of raising funds to finance the 2008 BAN Project, including capitalized interest during construction, is for the City to issue its (i) Airport General Revenue Bonds, Series 2009A (Non-AMT) and its (ii) Airport

General Revenue Bonds, Series 2009B (AMT) in an aggregate principal amount not to exceed [\$800,000,000] (the "Series 2009 Bonds") to provide for the costs of planning, engineering, designing, acquiring, equipping and constructing the 2008 BAN Project and to provide for a reasonably required debt service reserve and to pay expenses relating thereto; and

WHEREAS, the City desires to secure the repayment of the Series 2009 Bonds with a senior lien on General Revenues of the Airport, which General Revenues also secure repayment of the Series 2000 Bonds, the Series 2003 Bonds, the Series 2004A/B Bonds, the Series 2004F/G/I Bonds and the Series 2005A Bonds (the Series 2000 Bonds, the Series 2003 Bonds, the Series 2004A/B Bonds, the Series 2004F/G/I Bonds and the Series 2005A Notes, and when issued, the Series 2009 Bonds are sometimes collectively referred to as the "Senior Lien General Revenue Bonds") and the 1977 Ordinance Bonds; and

WHEREAS, pursuant to Section 502(b) of the Master Bond Ordinance, Additional Senior Lien Bonds may be issued on a parity with the Senior Lien General Revenue Bonds as to the lien on General Revenues pursuant to a Supplemental Bond Ordinance, if the conditions set forth therein are satisfied; and

WHEREAS, after study and investigation, the City has determined that the anticipated General Revenues to be received by the City from time to time over the term of the Series 2009 Bonds will be sufficient to provide for the payment of the principal of, premium (if any) and interest on the 1977 Ordinance Bonds and the Senior Lien General Revenue Bonds and any other amounts, charges, fees and expenses payable with respect to the 1977 Ordinance Bonds and Senior Lien General Revenue Bonds, as and when the same become due; and

WHEREAS, the City has received the preliminary calculations prepared by its airport consultant Jacobs Consultancy (the "Airport Consultant") which are attached hereto as Exhibit "B" (the "Report of the Airport Consultant"), that show that in each fiscal year of the Forecast Period (as defined in the Fourth Supplemental Bond Ordinance) the forecasted Net General Revenues (without consideration of (i) any amounts in the General Revenue Enhancement Subaccount, or (ii) gifts or grants or expenditures of such gifts or grants) are expected to equal at least 130 percent of the Maximum Annual Debt Service Requirement of the Outstanding 1977 Ordinance Bonds and the Senior Lien General Revenue Bonds, including the Series 2009 Bonds hereinafter authorized to be issued; the final report to be presented prior to the issuance of the Notes; and

WHEREAS, the Series 2009 Bonds when issued will be secured on a parity with the Series 2000 Bonds, the Series 2003 Bonds, the Series 2004A/B Bonds, the Series 2004F/G/I Bonds and the Series 2005A Notes as General Revenue Bonds with a Senior Lien on General Revenues, subject only to the lien on General Revenues securing the 1977 Ordinance Bonds; and

WHEREAS, it is further proposed that the City should authorize the preparation, use and distribution of a preliminary official statement pertaining to the Series 2009 Bonds; and

WHEREAS, to ensure compliance with Securities and Exchange Commission Rule 15c2-12, it is necessary and desirable to authorize the execution and delivery by the City of a continuing disclosure certificate with respect to the Series 2009 Bonds, pursuant to which the

City will agree to provide notices of certain events and to submit annually certain financial information and operating data to specified information repositories; and

WHEREAS, prior to the actual issuance and delivery of the Series 2009 Bonds, the City will adopt a Supplemental Bond Ordinance that will set forth, among other things, the aggregate principal amount of the Series 2009 Bonds to be issued, the interest rate or rates that the Series 2009 Bonds hereinafter authorized to be issued will bear, the principal amount to mature in each year and the maturities of the Series 2009 Bonds which will be designated as term bonds and subject to mandatory redemption and the terms of any bond insurance policy to be issued with respect to the Series 2009 Bonds; and

WHEREAS, DEPFA First Albany, a financial advisor to the City, has provided the City with its opinion that the Series 2009 Bonds are marketable within the parameters set forth herein, (the "Marketability Opinion") a true and correct copy of such opinion being attached hereto as Exhibit "C" and hereby made a part hereof; and

WHEREAS, the Master Bond Ordinance permits the issuance of obligations by the City to finance or refinance that cost of acquiring, constructing, reconstructing, improving, bettering or extending any part of the Airport which do not have any lien on Revenues of the Airport (except pursuant to Sections 502(d) or 503(h) of the Master Bond Ordinance), such obligations being defined in the Master Bond Ordinance as "Other Airport Obligations"; and

WHEREAS, in that funds are urgently needed to provide interim financing for the 2008 BAN Project pending the issuance and delivery of the Series 2009 Bonds and the receipt of the proceeds of the sale thereof it is proposed that the City issue at this time Other Airport Obligations in the form of its airport limited obligation airport bond anticipation notes consisting of Airport Limited Obligation Airport Bond Anticipation Notes, Series 2008A (Non-AMT) (the "Series 2008A Notes") and its Airport Limited Obligation Airport Bond Anticipation Notes, Series 2008B (AMT) (the "Series 2008B Notes," and together with the Series 2008A Notes, the "Notes") to provide interim financing for such purposes, which Notes will be issued in an aggregate principal amount not to exceed \$615,000,000, will mature one year from the date of issuance and delivery thereof, will be payable solely from the proceeds of the Series 2009 Bonds in anticipation of which they are to be issued and other lawfully available funds, and will have no lien on the Revenues of the Airport; and

WHEREAS, the City will negotiate of the purchase and sale of the Series 2008A Notes and the Series 2008B Notes with the Underwriters (as defined herein) and will adopt a resolution supplementing this Thirteenth Supplemental Bond Ordinance (the "Supplemental Resolution") which will set forth, among other things, subject in all respects to the parameters set forth herein, the interest rate that the Notes hereinafter authorized to be issued will bear; and

WHEREAS, the City proposes to sell the Series 2008A Notes to a syndicate of underwriters including Siebert Brandford Shank & Co., LLC and Sterne, Agee & Leach (the "Series 2008A Underwriters") and proposes to sell the Series 2008B Notes to a syndicate of underwriters including JPMorgan Chase & Co., SunTrust Capital Markets Inc., Goldman Sachs and Duncan-Williams, Inc. (the "Series 2008B Underwriters," together with the Series 2008A Underwriters, collectively, the "Underwriters"); and

WHEREAS, to provide for the sale of the Series 2008A Notes to the Series 2008A Note Underwriters and the Series 2008B Notes to the Series 2008B Underwriters it is necessary and desirable to authorize the City to execute and deliver separate bond purchase agreements (collectively, the "Bond Purchase Agreements") with each of the respective Underwriters; and

WHEREAS, the City must now authorize the preparation, use and distribution of the preliminary official statements pertaining to the Notes and the Series 2009 Bonds, the preparation, use and distribution of the final official statement pertaining to the Notes and the Series 2009 Bonds, and the execution, authentication, issuance, sale and delivery of the Notes and the Series 2009 Bonds, the validation of the Series 2009 Bonds, and the authorization and approval of certain ancillary documents in connection with the issuance and sale of the Notes and the Series 2009 Bonds;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Atlanta, as follows:

ARTICLE I GENERAL; DEFINITIONS

~~Section 1.1. Thirteenth Supplemental Bond Ordinance; Definitions.~~

This Thirteenth Supplemental Bond Ordinance is adopted pursuant to and in accordance with Section 201 of the Master Bond Ordinance, as supplemented and amended by the First Supplemental Bond Ordinance, the Second Supplemental Bond Ordinance, the Third Supplemental Bond Ordinance, the Fourth Supplemental Bond Ordinance, the Fifth Supplemental Bond Ordinance, the Sixth Supplemental Bond Ordinance, the Seventh Supplemental Bond Ordinance, ~~the Eighth Supplemental Bond Ordinance~~, the Ninth Supplemental Bond Ordinance, the Tenth Supplemental Bond Ordinance, the Eleventh Supplemental Bond Ordinance and the Twelfth Supplemental Bond Ordinance (collectively, the "Prior Supplemental Bond Ordinances") and all terms, covenants, restrictions and provisions of the Master Bond Ordinance shall be applicable to the Notes and the Series 2009 Bonds authorized by this Thirteenth Supplemental Bond Ordinance and the proceeds thereof, except as otherwise expressly provided herein. All of the terms and provisions of this Thirteenth Supplemental Bond Ordinance shall be deemed to be a part of the terms and provisions of the Master Bond Ordinance as supplemented and amended by the Prior Supplemental Bond Ordinances, for all purposes, and the Master Bond Ordinance, the Prior Supplemental Bond Ordinances, and this Thirteenth Supplemental Bond Ordinance (hereinafter sometimes collectively referred to as the "Bond Ordinance") shall be read, taken and construed as one and the same instrument. All terms as defined in the Master Bond Ordinance shall have the same meaning herein, unless the context otherwise indicates.

In addition to the foregoing, the following term shall have the meaning hereafter set forth:

"Interest Payment Date" means, for the Series 2009 Bonds, each January 1 and July 1, commencing January 1, 2010, through the final maturity of the Series 2009 Bonds.

ARTICLE II ISSUANCE OF THE NOTES SECTION

Section 2.1. Authorization of the Notes.

(a) For the purpose of financing on an interim basis the costs of planning, engineering, designing, acquiring, equipping and constructing the 2008 BAN Project [including capitalized interest during construction] and to pay costs associated with the issuance of the Notes, the issuance of the Notes is hereby authorized. The Notes shall be designated as City of Atlanta Airport Limited Obligation Bond Anticipation Notes, Series 2008A (Non-AMT) in an aggregate principal amount of not to exceed \$[] and, the City of Atlanta Airport Limited Obligation Bond Anticipation Notes, Series 2008B (AMT) in an aggregate principal amount of not to exceed \$[]. The Series 2008A Notes, the Series 2008B Notes shall be dated the date of the actual issuance and delivery thereof, shall be in the form of fully registered Notes without coupons, shall be in the denomination of \$5,000 or any integral multiple thereof, shall be numbered R-A1 and R-B1, respectively upwards, shall bear interest from the date of issuance and delivery thereof at a rate not to exceed four percent (4.0%) percent per annum with debt service on the Notes not to exceed \$640,000,000, with all interest payable at maturity and computed on the basis of a 360-day calendar year consisting of twelve 30-day months, and shall mature one year from the date of issuance and delivery thereof. The form of the Notes and the provisions for dates, execution, authentication, payment, registration and redemption shall be as hereinafter set forth.

(b) The City shall, after the Notes have been priced, adopt a Supplemental Resolution which, among other things, will specify the principal amount and interest rate or rates which the Notes shall bear and provide for the initial application of Note proceeds.

Section 2.2. Payment Provision; Registration, Transfer and Exchange.

Regions Bank is hereby designated as the paying agent (the "Paying Agent") and bond registrar (the "Bond Registrar") for the Notes. Subject to the provisions of this Thirteenth Supplemental Bond Ordinance regarding the issuance of the Notes in book-entry form, the Bond Registrar will keep the note registration book for registration of the Notes and for registration of transfers of the Notes in the event the Notes are not held in book-entry form. The transfer of any Note will be registered upon the note registration book upon the surrender and presentation of the Note to the Bond Registrar duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or attorney authorized in writing in form satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar will authenticate and deliver in exchange for such Note or Notes so surrendered, a new Note or Notes registered in the name of the transferee or transferees of the same maturity, interest rate, aggregate principal amount, and tenor, of any authorized denomination or denominations, and bearing numbers not then outstanding. Notes may be exchanged at the principal corporate trust office of the Bond Registrar for a like aggregate principal amount of Notes of other authorized denominations and bearing numbers not then outstanding. The City will cause to be executed and the Bond Registrar will authenticate and deliver Notes which the noteholder making the exchange is entitled to receive. In any exchange or transfer of registration of any Note, the owner of the Note will not be required to pay any charge or fee. If any Note is mutilated, lost, stolen or destroyed,

the City may execute and deliver a new Note of the same aggregate principal amount and tenor in lieu of and in substitution for the Note mutilated, lost, stolen or destroyed.

Section 2.3. Execution, Delivery and Form of the Notes.

The Notes shall be executed for and on behalf of the City by the use of the manual or facsimile signature of the Mayor of the City and attested by manual or facsimile signature of the Municipal Clerk. The Municipal Clerk of the City is hereby authorized to impress the official seal of the City upon each of the Notes. In case any officer whose signature shall appear on any Note shall cease to be such officer before delivery of such Notes, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. The Notes shall be substantially in the following form, with such variations, omissions and insertions as are permitted or required by this Thirteenth Supplemental Bond Ordinance:

[FORM OF SERIES 2008A NOTE AND SERIES 2008B NOTE]

Unless this Note is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City of Atlanta or its agent for registration of transfer, exchange or payment, and any Note issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF GEORGIA
CITY OF ATLANTA
AIRPORT LIMITED OBLIGATION BOND ANTICIPATION NOTE
SERIES 2008[A][B][NON-AMT][AMT]

No. R[A][B]-1

Date: _____, 2008

Interest Rate: _____ %

Registered Owner: Cede & Co. CUSIP: _____ Maturity Date: _____, 2009

KNOW ALL MEN BY THESE PRESENTS: That the City of Atlanta, a municipal corporation duly created and existing under the laws of the State of Georgia (the "City"), hereby acknowledges itself to owe and for value received hereby promises to pay to Cede & Co. on _____, 2009, the principal sum of

[_____ DOLLARS (\$_____)]

and in like manner to pay interest hereon from date hereof at the rate of _____ percent (____%) per annum until payment of the principal amount hereof computed on the basis of a 360-day calendar year consisting of twelve 30-day months. Both the principal of and interest on this Note are payable in lawful money of the United States of America at [Regions Bank] (the "Paying Agent" and "Bond Registrar"), _____.

This Note is one of a duly authorized issue of like tenor, except as to denomination and numbers, aggregating in principal amount the sum of [\$_____] designated "City of Atlanta Airport Limited Obligation Bond Anticipation Note, Series 2008[A][B][Non-AMT][AMT]" and is issued under authority of the Constitution and laws of the State of Georgia, and was duly authorized by the Restated and Amended Master Bond Ordinance adopted by the City on March 20, 2000, as amended and supplemented by the First Supplemental Bond Ordinance adopted by the City on March 30, 2000, the Second Supplemental Bond Ordinance of the City of Atlanta adopted on October 7, 2002, the Amended and Restated Third Supplemental Bond Ordinance of the City of Atlanta adopted on May 19, 2003, the Fourth Supplemental Bond Ordinance of the City of Atlanta adopted on June 2, 2003, a Fifth Supplemental Bond Ordinance duly adopted by the City on September 15, 2003, a Sixth Supplemental Bond Ordinance adopted by the City on November 17, 2003, a Seventh Supplemental Bond Ordinance adopted by the City on April 19, 2004, an Eighth Supplemental Bond Ordinance adopted by the City on

October 18, 2004, a Ninth Supplemental Bond Ordinance adopted by the City on October 3, 2005, a Tenth Supplemental Bond Ordinance adopted by the City on April 17, 2006, an Eleventh Supplemental Bond Ordinance adopted by the City on April 17, 2006, a Twelfth Supplemental Bond Ordinance adopted by the City on February 18, 2008 and a Thirteenth Supplemental Bond Ordinance (the "Thirteenth Supplemental Bond Ordinance") adopted by the City on September __, 2008 (collectively, the "Bond Ordinance").

The person in whose name this note is registered on the registration books kept by the Bond Registrar shall be deemed to be the owner of this note for all purposes. The Notes are being issued by means of a book entry system, with actual Notes immobilized at The Depository Trust Company, New York, New York (the "Securities Depository"), or its successor as Securities Depository, evidencing ownership of the Notes in principal amounts of \$5,000 or any integral multiple of thereof, and with transfers of beneficial ownership effected on the records of the Securities Depository and its participants pursuant to the rules and procedures established by the Securities Depository. Actual Notes are not available for distribution to the owners of a beneficial interest in the Notes registered in book-entry form (the "Beneficial Owners"), except under the limited circumstances set forth in the Thirteenth Supplemental Bond Ordinance. The principal and interest on the Notes are payable by the Paying Agent to Cede & Co., as nominee of the Securities Depository. ~~Transfers of principal and interest payments to participants of the Securities Depository is the responsibility of the Securities Depository; transfers of principal and interest to Beneficial Owners of the Notes by participants of the Securities Depository will be the responsibility of such participants and other nominees of Beneficial Owners. Neither the City nor the Paying Agent is responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants. If the Notes are no longer registered to a Securities Depository or its nominee, this Note may be registered as transferred only upon the registration books kept for that purpose at the principal corporate trust office of the Bond Registrar by the registered owner hereof in person, or by his or her attorney duly authorized in writing, upon presentation and surrender to the Bond Registrar of this note duly endorsed for registration of transfer or accompanied by an assignment duly executed by the registered owner or his or her attorney duly authorized in writing, and thereupon a new registered note, in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor. In addition, if the Notes are no longer registered to a Securities Depository, this note may be exchanged by the registered owner hereof or his or her duly authorized attorney upon presentation at the principal corporate trust office of the Bond Registrar for an equal aggregate principal amount of Notes of the same maturity and in any authorized denominations in the manner and subject to the conditions provided in the Thirteenth Supplemental Bond Ordinance.~~

This Note shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Thirteenth Supplemental Bond Ordinance until this Note shall have been authenticated and registered upon the registration books kept by the Bond Registrar for that purpose, which authentication shall be evidenced by the manual execution of the certificate hereon by the Bond Registrar.

THE NOTES SHALL NOT BE DEEMED TO CONSTITUTE A DEBT OF THE CITY NOR A PLEDGE OF THE FAITH AND CREDIT OF THE CITY. THE NOTES SHALL NOT BE PAYABLE FROM OR BE A CHARGE UPON ANY FUNDS OTHER

THAN THE REVENUES AND AMOUNTS PLEDGED TO THE PAYMENT THEREOF, NOR SHALL THE CITY BE SUBJECT TO ANY PECUNIARY LIABILITY THEREON. NO OWNER OR OWNERS OF THIS NOTE SHALL EVER HAVE THE RIGHT TO COMPEL ANY EXERCISE OF THE TAXING POWER OF THE CITY TO PAY THIS NOTE OR THE INTEREST HEREON, NOR TO ENFORCE PAYMENT OF THIS NOTE AGAINST ANY PROPERTY OF THE CITY; NOR SHALL THIS NOTE CONSTITUTE A CHARGE, LIEN, OR ENCUMBRANCE, LEGAL OR EQUITABLE, UPON ANY PROPERTY OF THE CITY, EXCEPT FOR THE PLEDGED REVENUES AND ANY OTHER FUNDS PLEDGED TO SECURE THE PAYMENT OF THE NOTES.

No covenants, stipulations, obligations or agreements of any officer, agent, attorney or employee of the City shall be deemed to be covenants, stipulations, obligations or agreements of any such officer, agent, attorney or employee, past or present, in his individual capacity. No recourse shall be had for the payment of the Notes or any claim thereon against any officer, agent, attorney or employee of the City, past, present or future.

It is hereby certified and recited that all acts, conditions and things required by the Constitution or statutes of the State of Georgia, to exist, be done or happen precedent to or in the issuance of this Note exist, have been done and have happened as required, that provision has been duly made for the issuance of the City's [Airport General Revenue Bonds, Series 2009A (Non-AMT)][Airport General Revenue Bonds, Series 2009B (AMT)] in an aggregate principal amount not to exceed \$_____ (the "Revenue Bonds"), the net proceeds of which will be sufficient to pay the principal of and interest on the Notes at maturity. This Note is payable solely from the proceeds of the Revenue Bonds and other airport revenues lawfully available therefor under the Bond Ordinance. The holder of this Note shall have no recourse against any other funds or moneys of the City, except the net proceeds of the Revenue Bonds.

The Notes are not subject to redemption prior to maturity.

IN WITNESS WHEREOF, the City has caused this Note to be executed by its Mayor and its seal to be impressed hereon and attested by the Municipal Clerk, as of _____, 2008.

CITY OF ATLANTA

(SEAL)

By: _____
Mayor

Attest:

Municipal Clerk

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This note is one of the Notes described herein.

Regions Bank,
as Bond Registrar

By: _____
Authorized Signatory

VALIDATION CERTIFICATE

STATE OF GEORGIA)
)
COUNTY OF FULTON)

The undersigned Clerk of the Superior Court of Fulton County, State of Georgia, **DOES HEREBY CERTIFY** that this Note and the security therefor was validated and confirmed by judgment of the Superior Court of Fulton County, on _____, 2008, that no intervention or objection was filed opposing the validation of this Note and the security therefor, and that no appeal of such judgment of validation has been taken.

Witness my (facsimile) signature and seal of the Superior Court of Fulton County, Georgia.

Clerk, Superior Court
of Fulton County, Georgia

(SEAL)

Section 2.4. No Redemption of Notes Prior to Maturity.

The Notes shall not be subject to redemption prior to maturity.

Section 2.5. Reserved.

Section 2.6. Application of Note Proceeds.

The proceeds of the sale of the Notes shall be applied as follows:

(a) A sum to be specified in the City's Supplemental Resolution shall be deposited into the Costs of Issuance Account of the 2008 Project Fund hereinafter created and shall be used to pay costs of issuing the Notes;

(b) The sums specified in the City's Supplemental Resolution shall be deposited into the Non-AMT Subaccount and into the AMT Subaccount of the Airport General Account of the Project Fund and shall be disbursed therefrom to pay the costs of the 2008 BAN Project in accordance with Section 2.7.

Section 2.7. Project Fund.

A special trust fund is hereby created and established and designated as the "City of Atlanta Airport Notes 2008 Project Fund" (the "2008 Project Fund"). Regions Bank, Atlanta, Georgia, is hereby designated as the Project Fund Custodian (the "Project Fund Custodian"), and prior to the issuance of the Notes such bank shall accept in writing its responsibilities as Project Fund Custodian hereunder.

There is hereby established within the 2008 Project Fund a separate account which shall be designated as the "Airport General Account" and a second separate account which shall be designated as the "Costs of Issuance Account." Within the Airport General Account and the Cost of Issuance Account the Project Fund Custodian shall establish a "Non-AMT Subaccount" and an "AMT Subaccount" in each such account. The Project Fund Custodian, at the direction of the City, may establish other accounts or subaccounts in the 2008 Project Fund from time to time. Disbursements of Note proceeds from the 2008 Project Fund shall be made only for payment of the costs of the 2008 BAN Project and for payment of costs of issuance of the Notes, provided, however, the owners of the Notes shall have recourse against amounts on deposit in the 2008 Project Fund in the event there is a default with respect to the payment of the principal of or interest on the Notes.

(a) Before any disbursements shall be made from the Airport General Account, there shall be filed by the Airport Manager or his designee with the City Finance Manager and with the Project Fund Custodian a requisition for such disbursement stating each amount to be paid, the subaccount from which such payment is to be made and the name of the person, firm or corporation to whom payment thereof is due (or in the case of reimbursement of the City for costs paid by the City, that such amount is due to the City). The Project Fund Custodian and the Department of Aviation shall each maintain records with respect to the expenditures of such funds and the subaccount from which such expenditures have been made.

(b) All disbursements from the Costs of Issuance Account of the 2008 Project Fund shall be made by the Project Fund Custodian upon written direction of the City Finance Manager of the City and applied to the payment of costs and expenses incurred by the City in connection with the issuance and delivery of the Notes. Moneys remaining in the Non-AMT Subaccount and the AMT Subaccount of the Costs of Issuance Account after the earlier of (i) the payment of all costs and expenses in connection with the Notes or (ii) sixty days after the issuance and delivery of the Notes shall be deposited upon direction of the City into the related Airport General Account.

(c) All requisitions submitted to the Project Fund Custodian pursuant to this Section shall be retained by the Project Fund Custodian, subject at all times to inspection by any officer of the City or any owner of a Note, upon reasonable request.

(d) If the Notes are paid in full as to principal and interest from the proceeds of the Series 2009 Bonds, any amounts remaining on deposit in the 2008 Project Fund on such date shall be transferred to the Depository for the Construction Fund for the Series 2009 Bonds to be deposited into the account of the Construction Fund designated as the "City of Atlanta Airport Series 2009 Construction Fund" to be created and established pursuant to this Thirteenth Supplemental Bond Ordinance or, if the Notes are paid in full from the proceeds of any other obligations, such amounts may be transferred to any similar fund or account established in connection with the issuance of such other obligations, or if the Notes are paid in full from other lawfully available funds, then the provisions of this Article II as it pertains to the 2008 Project Fund shall survive the payment in full of the Notes and shall continue until all amounts in the 2008 Project Fund have been expended in accordance with this Article II.

Section 2.8. Investments.

Amounts on deposit in the 2008 Project Fund and each account therein may be invested and reinvested by the City in Permitted Investments.

All such investments shall be made so as to mature or be subject to redemption (without penalty) at the option of the owner thereof on or prior to the date or dates that the City anticipates that moneys therefrom will be required. Each investment shall be credited to the fund or account for which it is held, and the income, profits and revenues on such investments shall be credited to the fund or account for which such investment was made.

Section 2.9. Book-Entry System of Registration.

The following provisions shall apply to Notes held in a book-entry system of registration:

(a) Upon the initial issuance, the ownership of each Note shall be registered in the name of the Securities Depository or the Securities Depository Nominee, and ownership thereof shall be maintained in Book Entry Form by the Securities Depository for the account of the Agent Members thereof. Initially, the Notes shall be registered in the name of Cede & Co., as the nominee of The Depository Trust Company. Beneficial Owners will not receive Notes from the Bond Registrar evidencing their ownership interests. Except as provided in subparagraph (c) below, the Notes may be transferred, in whole but not in part, only to the Securities Depository

or the Securities Depository Nominee, or to a successor Securities Depository selected or approved by the City or to a nominee of such successor Securities Depository.

(b) With respect to Notes registered in the name of the Securities Depository or the Securities Depository Nominee, neither the City, the Bond Registrar nor the Paying Agent shall have any responsibility or obligation to any Agent Member or Beneficial Owner. Without limiting the foregoing, neither the City, the Bond Registrar nor the Paying Agent shall have any responsibility or obligation with respect to:

(i) the accuracy of the records of the Securities Depository, the Securities Depository Nominee or any Agent Member with respect to any Beneficial Ownership interest in the Notes;

(ii) the delivery to any Agent Member, any Beneficial Owner or any other person, other than the Securities Depository or the Securities Depository Nominee, of any notice with respect to the Notes; or

(iii) the payment to any Agent Member, any Beneficial Owner or any other person, other than the Securities Depository or the Securities Depository Nominee, of any amount with respect to the principal of or interest on the Notes.

So long as any Notes are registered in Book Entry Form, the City, the Bond Registrar and the Paying Agent may treat the Securities Depository as, and deem the Securities Depository to be, the absolute owner of such Notes for all purposes whatsoever, including without limitation:

(i) the payment of principal and interest on such Notes;

(ii) registering transfers with respect to such Notes; and

(iii) voting and obtaining consents under this Thirteenth Supplemental Bond Ordinance.

So long as any Notes are registered in Book Entry Form, the Paying Agent shall pay all principal of and interest on the Notes only to the Securities Depository or the Securities Depository Nominee as shown in the Bond Register, and all such payments shall be valid and effective to fully discharge the City's obligations with respect to payment of principal of and interest on the Notes to the extent so paid.

(c) If at any time (i) the City determines that the Securities Depository is incapable of discharging its responsibilities described herein, (ii) if the Securities Depository notifies the City or the Paying Agent that it is unwilling or unable to continue as Securities Depository with respect to the Notes, or (iii) if the Securities Depository shall no longer be registered or in good standing under the Securities Exchange Act of 1934 or other applicable statute or regulation and a successor Securities Depository is not appointed by the City within 90 days after the City receives notice or becomes aware of such condition, as the case may be, then the provisions of these subparagraphs (a) and (b) shall no longer be applicable and the City shall execute and the Bond Registrar shall authenticate and deliver certificated notes to the Beneficial Owners. The Notes issued pursuant to this subparagraph (c) shall be registered in such names and authorized

denominations as the Securities Depository, pursuant to instructions from the Agent Member or otherwise, shall instruct the Bond Registrar. Upon exchange, the Bond Registrar shall authenticate and deliver the certificated Notes to the persons in whose names such Notes are so registered on the Business Day immediately preceding the date of such exchange.

(d) For purposes of the foregoing paragraphs (a) through (c), the following definitions shall apply:

(i) "Beneficial Owner" shall mean the owners of a beneficial interest in the notes registered in Book Entry Form.

(ii) "Book Entry Form" or "Book Entry System" shall mean, with respect to the Notes, a form or system, as applicable, under which (i) the ownership of beneficial interests in the Notes and bond service charges may be transferred only through book entry and (ii) physical Notes in fully registered form are registered only in the name of a Securities Depository or its nominee as holder, with physical Notes in the custody of a Securities Depository.

(iii) "Securities Depository" means any securities depository that is a ~~"clearing corporation" within the meaning of the New York Uniform Commercial Code and a~~ "clearing agency" registered pursuant to provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its participants or otherwise, a Book Entry System to record ownership of beneficial interest in bonds and bond service charges, and to effect transfers of bonds in Book Entry Form, and means, initially, The Depository Trust Company (a limited purpose trust company), New York, New York.

(iv) "Securities Depository Nominee" means any nominee of a Securities Depository and shall initially mean Cede and Co., New York, New York, as nominee of The Depository Trust Company.

Section 2.10. Payment of the Notes; Note Retirement Account.

(a) In order to provide for the payment of the principal of and the interest on the Notes at maturity, the City hereby covenants and agrees to issue the Series 2009 Bonds within the parameters authorized herein on or prior to the date prior to the maturity date of the Notes. Notwithstanding the foregoing, the City may choose to repay the Notes from other revenues or from the proceeds of any other issue, and in that event, the City shall not be required to issue the Series 2009 Bonds.

(b) There is hereby created and established a special trust account with the Paying Agent designated as the "City of Atlanta Airport Series 2008 Note Retirement Account" (the "Note Retirement Account"). The net proceeds of the Series 2009 Bonds and other lawfully available funds designated for such purpose shall be deposited into the Note Retirement Account, shall be held in trust for the benefit of the owners of the Notes and shall be used and applied to the payment of the principal of and the interest on the Notes on or prior to the date that the principal of and interest on the Notes become due and payable, whether by maturity or by redemption prior to maturity.

Section 2.11. Discharge of Obligation.

When moneys or direct, noncallable obligations of the United States of America are deposited into the Note Retirement Account which, together with investment earnings thereon shall be sufficient, without reinvestment, to pay all outstanding Notes of this issue and the interest due thereon, or provision having been duly made therefor, same shall constitute payment in full of the Notes and all liability of the City to the owners of the Notes shall be fully and completely discharged; provided, however, that if the Notes are to be redeemed prior to maturity, the City shall have given the Bond Registrar irrevocable notice to effect such redemption.

Section 2.12. Covenants With Respect to Arbitrage.

The City hereby covenants and agrees that it will not, subsequent to the date of the issuance of the Notes, intentionally use any portion of the proceeds of the Notes to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except as may be otherwise permitted by Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and that it will comply with, and take such action and make such payments as may be permitted or required by, Section 148(f) of the Code, to ensure that the Notes do not constitute "arbitrage bonds" within the meaning Section 148(a) of the Code. The Mayor and the Municipal Clerk of the City are hereby authorized and directed to execute, for and on behalf of the City, a certification, based upon facts, estimates and circumstances as to the reasonable expectations regarding the amount, expenditure and use of the proceeds derived from the sale of the Notes of this issue, as well as such other documents as may be necessary or desirable in connection with the issuance and delivery of the Notes.

Section 2.13. Preliminary Official Statement and Final Official Statement for the Notes.

The preparation, use and distribution of that certain Preliminary Official Statement, with respect to the Notes is hereby authorized and approved. The Preliminary Official Statement will be "deemed final" by the City for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "Rule") as of its date, and the execution of a certificate to such effect by the appropriate officers of the City is hereby authorized and approved (with certain omissions permitted by the Rule). The preparation and distribution of a final Official Statement with respect to the Notes in substantially the form as said Preliminary Official Statement but containing the information in the Supplemental Resolution is hereby authorized and approved. The Mayor of the City, the Chief Financial Officer of the City and the Airport Manager are authorized to execute such final Official Statement on behalf of the City.

Section 2.14. Note Purchase Agreements.

(a) The Chief Financial Officer is hereby authorized to review, negotiate and approve a note purchase agreement with respect to the Series 2008A Notes and the execution, delivery and performance by the City of such note purchase agreement by the City are hereby authorized. The Mayor of the City and the Chief Financial Officer of the City are hereby authorized to execute the note purchase agreement for the Series 2008A Notes in a form approved by the Chief

Financial Officer, whose approval thereof shall be conclusively evidenced by the execution by the Mayor and Chief Financial Officer.

(b) The Chief Financial Officer is hereby authorized to review, negotiate and approve a note purchase agreement with respect to the Series 2008B Notes and the execution, delivery and performance by the City of such note purchase agreement by the City are hereby authorized. The Mayor of the City and the Chief Financial Officer of the City are hereby authorized to execute the note purchase agreement for the Series 2008B Notes in a form approved by the Chief Financial Officer, whose approval thereof shall be conclusively evidenced by the execution by the Mayor and Chief Financial Officer.

Section 2.15. Limited Obligation.

THE NOTES SHALL NOT BE DEEMED TO CONSTITUTE A DEBT OF THE CITY NOR A PLEDGE OF THE FAITH AND CREDIT OF THE CITY. THE NOTES SHALL NOT BE PAYABLE FROM OR BE A CHARGE UPON ANY FUNDS OTHER THAN THE REVENUES AND AMOUNTS PLEDGED TO THE PAYMENT THEREOF, NOR SHALL THE CITY BE SUBJECT TO ANY PECUNIARY LIABILITY THEREON. NO OWNER OR OWNERS OF THIS NOTE SHALL EVER HAVE THE RIGHT TO ~~COMPEL ANY EXERCISE OF THE TAXING POWER OF THE CITY TO PAY THIS~~ NOTE OR THE INTEREST HEREON, NOR TO ENFORCE PAYMENT OF THIS NOTE AGAINST ANY PROPERTY OF THE CITY; NOR SHALL THIS NOTE CONSTITUTE A CHARGE, LIEN, OR ENCUMBRANCE, LEGAL OR EQUITABLE, UPON ANY PROPERTY OF THE CITY, EXCEPT FOR THE PLEDGED REVENUES AND ANY OTHER FUNDS PLEDGED TO SECURE THE PAYMENT OF THE NOTES.

No covenants, stipulations, obligations or agreements of any officer, agent, attorney or employee of the City shall be deemed to be covenants, stipulations, obligations or agreements of any such officer, agent, attorney or employee, past or present, in his individual capacity. No recourse shall be had for the payment of the Notes or any claim thereon against any officer, agent, attorney or employee of the City, past, present or future.

Section 2.16. Other Airport Obligations.

The Notes are Other Airport Obligations under the Master Bond Ordinance and have no lien on any category of Revenues thereunder. Prior to an Event of Default, moneys on deposit in the General Revenue Account of the Revenue Fund may, at the sole discretion of the City, be used to pay the principal of and interest on the Notes.

ARTICLE III ISSUANCE OF THE SERIES 2009 BONDS

Section 3.1. Authorization of the Series 2009 Bonds.

For the purpose of providing funds to finance or refinance the costs of the planning, engineering, design, acquisition and construction of the 2008 BAN Project, to provide for a reasonably required debt service reserve and to pay expenses necessary to accomplish the foregoing, the issuance of the Series 2009 Bonds is hereby authorized. The Series 2009 Bonds

shall be designated as "City of Atlanta Airport General Revenue Bonds, Series 2009A (Non-AMT)" and City of Atlanta Airport General Revenue Bonds, Series Bonds 2009B (AMT)," and shall be issued in an aggregate principal amount not to exceed \$[800,000,000]. The Series 2009 Bonds shall be dated not later than the date on which issued and delivered, shall be in the form of fully registered bonds without coupons, shall be in the denomination of \$5,000 or any integral multiple thereof, shall be numbered from RA-1 and RB-1, respectively upwards, shall bear interest from date at such rate or rates not exceeding six and one-half percent (6.5%) per annum, all interest payable semiannually on January 1 and July 1 in each year and shall be subject to optional redemption as provided by the City as hereinafter provided. The principal of the Series 2009 Bonds shall mature not later than January 1, 2040, and may be subject to mandatory sinking fund redemption as provided in a supplemental bond ordinance for the Series 2009 Bonds. The maximum principal and interest payable on the Series 2009 Bonds in any Sinking Fund Year shall not exceed \$[852,000,000]. The Series 2009 Bonds shall be book-entry bonds as described in Section 210 of the Master Bond Ordinance.

The provisions for dates, authentication, payment, registration and optional, mandatory and extraordinary redemption shall be in accordance with Article II and Article III of the Master Bond Ordinance and as set forth in a Supplemental Bond Ordinance.

Section 3.2. Supplemental Bond Ordinance.

The City shall, after the Series 2009 Bonds have been priced, adopt a Supplemental Bond Ordinance which among other things will specify the interest rate or rates per annum which the Series 2009 Bonds shall bear, the principal amount of Series 2009 Bonds to mature in each year, the maturities of the Series 2009 Bonds, if any, which shall be designated as term Series 2009 Bonds subject to mandatory redemption, and the optional redemption provisions applicable to the Series 2009 Bonds, will provide for the terms of any bond insurance policy with respect to the Series 2009 Bonds, will provide for the execution and delivery of a bond purchase agreement, will provide for the bond registrar and paying agent with respect to the Series 2009 Bonds and will provide for the actual issuance and delivery of the Series 2009 Bonds upon payment therefor by the purchaser or purchasers thereof.

Section 3.3. Execution, Delivery and Form of Series 2009 Bonds.

(a) The Series 2009 Bonds shall be executed on behalf of the City by use of the manual or facsimile signature of the Mayor of the City and attested by the manual or facsimile signature of the Municipal Clerk of the City and the official seal of the City shall be impressed thereon or a facsimile thereof imprinted thereon, and the Series 2009 Bonds shall be authenticated by the manual signature of a duly authorized signatory of the bond registrar with respect to the Series 2009 Bonds. The validation certificate to be printed on the Series 2009 Bonds shall be executed by use of the manual or facsimile signature of the Clerk of the Superior Court of Fulton County and the official seal of said Court shall be impressed thereon or a facsimile thereof shall be imprinted thereon. If there is a municipal bond insurance policy insuring payment of the Series 2009 Bonds when due, there shall be printed on the Series 2009 Bonds a Statement of Insurance prepared by the Credit Issuer. In case any officer whose signature shall appear on the Series 2009 Bonds shall cease to be such officer before delivery of

such Series 2009 Bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

(b) The Series 2009 Bonds, the validation certificate therefor and the bond registrar's certificate of authentication thereon shall be in substantially the forms set out below, provided that some of the text of the Series 2009 Bond may appear on the reverse side of the Series 2009 Bond, with such variations, omissions, substitutions and insertions as are required or permitted by the Bond Ordinance.

[FORM OF SERIES 2009[A][B] BONDS [NON-AMT][AMT]]

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City of Atlanta or its agent for registration of transfer, exchange or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-[A][B]

\$ _____

UNITED STATES OF AMERICA
STATE OF GEORGIA

CITY OF ATLANTA
AIRPORT GENERAL REVENUE BOND
SERIES 2009[A][B][NON-AMT][AMT]

DATE: INTEREST RATE: MATURITY DATE: CUSIP:
%

FOR VALUE RECEIVED, the CITY OF ATLANTA (the "City"), a municipal corporation duly created and existing under the laws of the State of Georgia, hereby promises to pay solely from the sources hereinafter described to CEDE & CO., or registered assigns, the principal sum of

DOLLARS

in lawful money of the United States of America, on the date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this Series 2009 Bond to _____, as registrar and paying agent (the "Bond Registrar" or the "Paying Agent"), and to pay interest on said principal sum (computed on the basis of a 360-day year of twelve 30-day months) at the interest rate per annum specified above, payable semiannually on January 1 and July 1 of each year (each such date an "Interest Payment Date"), commencing _____, 200__, from the Interest Payment Date next preceding the date of authentication of this Series 2009 Bond to which interest has been paid or provided for, unless the date of authentication of this Series 2009 Bond is an Interest Payment Date to which interest has been paid or provided for, in which case from the date of authentication hereof, or unless no interest has been paid hereon, in which case from the date hereof, or unless such authentication date shall be after any record date (hereinafter defined) and before the next succeeding Interest Payment Date, in which case interest shall be paid from the next succeeding Interest Payment Date.

The interest payable on any Interest Payment Date will be paid by first class mail, postage prepaid, mailed on the date on which due to the person in whose name this Series 2009

Bond is registered at the close of business on the 15th day of the calendar month next preceding such Interest Payment Date (each such date, a "Record Date") at the address shown on the bond register maintained by the Bond Registrar on such Record Date, except that any interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner of this Series 2009 Bond as of the Record Date and shall be payable to the person who is the registered owner of this Series 2009 Bond at the close of business on a special record date for the payment of such defaulted interest. Such special record date shall be fixed by the Bond Registrar whenever moneys become available for the payment of such defaulted interest, and notice of the special record date shall be given by first class mail by the Bond Registrar or by or on behalf of the City to the owner hereof not less than 50 days prior thereto.

Notwithstanding the foregoing, however, interest on this Series 2009 Bond shall be payable to any registered owner of more than \$1,000,000 in aggregate principal amount of the Series 2009 Bonds of the same series as this Series 2009 Bond by deposit of immediately available funds to the account of such registered owner maintained with the Paying Agent or transmitted by wire transfer to such registered owner at an account maintained at a commercial bank located within the United States of America, if the Paying Agent receives from such registered owner written deposit or wire transfer instructions prior to the Record Date preceding the Interest Payment Date for which the deposit or wire transfer is requested.

The principal of this Series 2009 Bond is payable only upon presentation and surrender of this bond at the principal corporate trust office of the Bond Registrar and Paying Agent, or its successor or successors, in any coin or currency of the United States of America which at the time of such payment is legal tender for public and private debts.

Notwithstanding the foregoing, so long as this Series 2009 Bond is registered in the name of Cede & Co., payment of principal of and interest on this Series 2009 Bond shall be made by wire transfer to Cede & Co.

This Series 2009 Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance (hereinafter described) until this Series 2009 Bond shall have been authenticated and registered upon the registration books kept by the Bond Registrar for that purpose, which authentication shall be evidenced by the manual execution of the certificate hereon by the Bond Registrar.

This Series 2009[A][B] Bond is one of a series of airport revenue bonds in the aggregate principal amount of [\$_____] [\$_____] duly authorized and designated "[City of Atlanta Airport General Revenue Bonds, Series 2009A (Non-AMT)] [City of Atlanta Airport General Revenue Bonds, Series 2009B (AMT)]" all of like tenor, except as to authentication dates, numbers, denominations, interest rates and maturities. The Series 2009[A][B] Bonds are issued by the City pursuant to the Constitution and laws of the State of Georgia, including specifically, but without limitation, Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia Annotated, as amended, known as the "Revenue Bond Law," the Charter of the City of Atlanta, as amended, and the Restated and Amended Master Bond Ordinance adopted March 20, 2000 by the City, as amended and supplemented by a First Supplemental Bond Ordinance adopted by the City on March 30, 2000, a Second Supplemental Bond Ordinance of the City of Atlanta adopted on October 7, 2002, a Amended and Restated

Third Supplemental Bond Ordinance of the City of Atlanta adopted on May 19, 2003, a Fourth Supplemental Bond Ordinance of the City of Atlanta adopted on June 2, 2003, a Fifth Supplemental Bond Ordinance duly adopted by the City on September 15, 2003, a Sixth Supplemental Bond Ordinance adopted by the City on November 17, 2003, a Seventh Supplemental Bond Ordinance adopted by the City on April 19, 2004, an Eighth Supplemental Bond Ordinance adopted by the City on October 18, 2004, a Ninth Supplemental Bond Ordinance adopted by the City on October 3, 2005, a Tenth Supplemental Bond Ordinance adopted by the City on April 17, 2006, an Eleventh Supplemental Bond Ordinance adopted by the City on April 17, 2006, a Twelfth Supplemental Bond Ordinance adopted by the City on February 18, 2008 and a Thirteenth Supplemental Bond Ordinance (the "Thirteenth Supplemental Bond Ordinance") adopted by the City on September __, 2008 (collectively, the "Bond Ordinance"), for the purpose of providing funds to pay or to be applied toward the costs of refunding by redemption and payment the City's Airport Limited Obligation Bond Anticipation Notes, Series 2008A (Non-AMT) and its Airport Limited Obligation Bond Anticipation Notes, Series 2008B (AMT), outstanding in the aggregate principal amount of [\$ _____], and to pay costs of issuance.

Pursuant to the Bond Ordinance, the City has heretofore issued and delivered ~~\$711,880,000 original aggregate principal amount of its Airport General Revenue and Refunding Bonds, Series 2000A (the "Series 2000A Bonds"), \$201,995,000 original aggregate principal amount of its Airport General Revenue Bonds, Series 2000B (the "Series 2000B Bonds") and \$96,400,000 original aggregate principal amount of its Airport General Revenue Refunding Bonds, Series 2000C (the "Series 2000C Bonds" and, together with the Series 2000A Bonds and the Series 2000B Bonds, the "Series 2000 Bonds"), \$86,055,000 original aggregate principal amount of its Airport General Revenue Refunding Bonds, Series 2003 RF-A, \$490,700,000 original aggregate principal amount of its Variable Rate Airport General Revenue Refunding Bonds, Series 2003 RF-B-1, 2003 RF-B-2, 2003 RF-B-3, 2003 RF-C-1, 2003 RF-C-2, and 2003 RF-C-3, (collectively, the "Series 2003 RF-A/B/C Bonds"), \$118,270,000 original aggregate principal amount Airport General Revenue Refunding Bonds, Series 2003 RF-D Bonds (the "Series 2003RF-D Bonds," and together with the Series 2003RF/A/B/C Bonds, the "Series 2003 Bonds"), \$222,820,000 original aggregate principal amount of its Airport General Revenue Bonds, Series 2004A (the "Series 2004A Bonds") and Series 2004B (the "Series 2004B Bonds" and, together with the Series 2004A Bonds, the "Series 2004A/B Bonds"), \$529,270,000 original aggregate principal amount of its Airport Passenger Facility Charge and Subordinate Lien General Revenue Bonds Series 2004C, Series 2004D-1, Series 2004D-2, Series 2004E-1, and Series 2004E-2 (collectively, the "Series 2004C/D/E Bonds"), \$180,090,000 original aggregate principal amount of its Airport General Revenue Bonds, Series 2004F, Series 2004G, and Series 2004I (collectively, the "Series 2004F/G/I Bonds") and \$584,110,000 original aggregate principal amount of its Airport Passenger Facility Charge and Subordinate Lien General Revenue Bonds, Series 2004J, Series 2004K-1, Series 2004K-2, Series 2004K-3 and Series 2004K-4 (collectively, the "Series 2004J/K Bonds"). The Series 2000 Bonds, the Series 2003 Bonds, the Series 2004A/B Bonds and the Series 2004F/G/I Bonds are secured on a parity with each other by a senior lien on the General Revenues (as defined in the Bond Ordinance) of the Airport. The City has also authorized the issuance from time to time of not more than \$350,000,000 aggregate principal amount of its General Airport Revenue Commercial Paper Notes, Series 2005A-1 and Series 2005A-2 (collectively, the "Series 2005A Notes") and not more than \$200,000,000 aggregate principal amount of its Airport Passenger Facility Charge and Subordinate Lien~~

General Revenue Commercial Paper Notes Series 2005B-1 and Series 2005B-2 (the "Series 2005B Notes"). The Series 2005A Notes rank on a parity with the Series 2000 Bonds, the Series 2003 Bonds, the Series 2004A/B Bonds and the Series 2004F/G/I Bonds (collectively, the "Senior Lien General Revenue Bonds") by a senior lien on the General Revenues of the Airport, subject in right of payment to certain prior airport revenue bonds of the City (the "1977 Ordinance Bonds"). The Senior Lien General Revenue Bonds and 1977 Ordinance Bonds are referred to herein as "General Revenue Bonds."

The Series 2009[A][B] Bonds are General Revenue Bonds (as defined in the Bond Ordinance) and are secured by a senior lien in parity with the Senior Lien General Revenue Bonds, subject only to the 1977 Ordinance Bonds. Pursuant to the Bond Ordinance, upon compliance with certain conditions, the City may (i) issue additional revenue bonds secured on a parity with the Series 2009[A][B] Bonds, (ii) issue additional revenue bonds secured on a subordinate basis to payment from the same revenues securing the Series 2009[A][B] Bonds, (iii) issue additional revenue bonds secured by revenues different from the revenues securing the Series 2009[A][B] Bonds, (iv) issue additional revenue bonds secured by a combination of (i) and (iii) or (ii) and (iii), (v) release from the revenues securing the Series 2009[A][B] Bonds a defined category of revenues which will no longer secure the Series 2009[A][B] Bonds either (1) to secure additional revenue bonds or (2) to be sold, leased, loaned or otherwise transferred to another party or (vi) grant a lien securing other obligations on a parity with or on a subordinate basis to the Series 2009[A][B] Bonds.

The City has covenanted and hereby covenants and agrees at all times while any Bonds are outstanding and unpaid to prescribe, fix, maintain, and collect rates, fees, and other charges for the services and facilities of the Airport to: (i) provide for 100 percent of the Operating Expenses of the Airport (except for certain specific facilities) and for the accumulation in the Revenue Fund, as defined in the Bond Ordinance, of a reasonable reserve therefor, and (ii) produce Net Revenues, as defined in the Bond Ordinance, in each Fiscal Year, as defined in the Bond Ordinance, which will: (a) equal, for General Revenues, at least 120 percent (110 percent without regard to amounts in the General Revenue Enhancement Subaccount) of the debt service requirement on all 1977 Ordinance Bonds and General Revenue Bonds, as defined in the Bond Ordinance, for PFC Revenues, at least 100 percent without regard to amounts in the PFC Revenue Enhancement Subaccount, of the debt service requirement on PFC Revenue Bonds, as defined in the Bond Ordinance, including the Series 2004 Bonds, and 100 percent of the debt service requirement on all other Bonds payable from related Revenues, (b) enable the City to make all payments required to come from Net Revenues into any Debt Service Reserve Account and the Rebate Account and on Contracts or Other Airport Obligations, as each is defined in the Bond Ordinance, (c) enable the City to accumulate an amount to be held in the Renewal and Extension Fund, as defined in the Bond Ordinance, which in the judgment of the City is adequate to meet the costs of major renewals, replacements, repairs, additions, betterments, and improvements to the Airport, necessary to keep the same in good operating condition or as is required by any governmental agency having jurisdiction over the Airport, and (d) with other revenues, remedy all deficiencies in required payments into any of the funds and accounts mentioned in the Bond Ordinance from prior Fiscal Years.

THE SERIES 2009 BONDS SHALL NOT BE DEEMED TO CONSTITUTE A DEBT OF THE CITY NOR A PLEDGE OF THE FAITH AND CREDIT OF THE CITY.

THE SERIES 2009 BONDS SHALL NOT BE PAYABLE FROM OR BE A CHARGE UPON ANY FUNDS OTHER THAN THE REVENUES AND AMOUNTS PLEDGED TO THE PAYMENT THEREOF, NOR SHALL THE CITY BE SUBJECT TO ANY PECUNIARY LIABILITY THEREON. NO OWNER OR OWNERS OF THIS SERIES 2009 BOND SHALL EVER HAVE THE RIGHT TO COMPEL ANY EXERCISE OF THE TAXING POWER OF THE CITY TO PAY THIS SERIES 2009 BOND OR THE INTEREST HEREON, NOR TO ENFORCE PAYMENT OF THIS SERIES 2009 BOND AGAINST ANY PROPERTY OF THE CITY; NOR SHALL THIS SERIES 2009 BOND CONSTITUTE A CHARGE, LIEN, OR ENCUMBRANCE, LEGAL OR EQUITABLE, UPON ANY PROPERTY OF THE CITY, EXCEPT FOR THE PLEDGED REVENUES AND ANY OTHER FUNDS PLEDGED TO SECURE THE PAYMENT OF THE SERIES 2009 BONDS.

No covenants, stipulations, obligations or agreements of any officer, agent, attorney or employee of the City shall be deemed to be covenants, stipulations, obligations or agreements of any such officer, agent, attorney or employee, past or present, in his individual capacity. No recourse shall be had for the payment of the Series 2009 Bonds or any claim thereon against any member, director, officer, agent, attorney or employee of the City, past, present or future.

The person in whose name this Series 2009 Bond is registered on the registration books kept by the Bond Registrar shall be deemed to be the owner of this Series 2009 Bond for all purposes. The Series 2009 Bonds are being issued by means of a book-entry system, with actual Series 2009 Bonds immobilized at The Depository Trust Company, New York, New York (the "Securities Depository"), or its successor as Securities Depository, evidencing ownership of the Series 2009 Bonds in Authorized Denominations (hereinafter defined), and with transfers of beneficial ownership effected on the records of the Securities Depository and its participants pursuant to the rules and procedures established by the Securities Depository. Actual Series 2009 Bonds are not available for distribution to the owners of beneficial interests in the Series 2009 Bonds registered in book-entry form (the "Beneficial Owners"), except under the limited circumstances set forth in the Bond Ordinance. The principal, redemption premium (if any) and interest on the Series 2009 Bonds are payable by the Paying Agent to Cede & Co., as nominee of the Securities Depository. Transfers of principal, redemption premium (if any) and interest payments to participants of the Securities Depository is the responsibility of the Securities Depository and transfers of principal, redemption premium (if any) and interest to Beneficial Owners of the Series 2009 Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of Beneficial Owners. Neither the City nor the Bond Registrar and Paying Agent is responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants. If the Series 2009 Bonds are no longer registered to a Securities Depository or its nominee, this Series 2009 Bond may be registered as transferred only upon the registration books kept for that purpose at the principal corporate trust office of the Bond Registrar by the registered owner hereof in person, or by his or her attorney duly authorized in writing, upon presentation and surrender to the Bond Registrar of this Series 2009 Bond duly endorsed for registration of transfer or accompanied by an assignment duly executed by the registered owner or his or her attorney duly authorized in writing, and thereupon a new registered bond, in the same aggregate principal amount and of the same maturity, shall be issued to the transferee in exchange therefor. In addition, if the Series 2009 Bonds are no longer registered to

a Securities Depository, this Series 2009 Bond may be exchanged by the registered owner hereof or his or her duly authorized attorney upon presentation at the principal corporate trust office of the Bond Registrar for an equal aggregate principal amount of Series 2009 Bonds of the same maturity and in any Authorized Denominations in the manner, subject to the conditions and upon payment of charges, if any, provided in the Bond Ordinance.

The Series 2009 Bonds are issuable in the form of fully registered bonds in Authorized Denominations and may be exchanged by the registered owner hereof or his duly authorized attorney upon presentation at the principal corporate trust office of the Bond Registrar for an equal aggregate principal amount of Series 2009 Bonds of the same maturity and series and in any authorized denominations in the manner, subject to the conditions and upon payment of charges, if any, provided in the Bond Ordinance. As used herein, the term "Authorized Denominations" means \$5,000 and any integral multiple thereof.

The Series 2009 Bonds maturing on or after January 1, 20__ may be redeemed prior to their respective maturities at the option of the City, either in whole or in part at any time not earlier than January 1, 20__, in the manner and subject to the provisions of the Bond Ordinance, at the respective redemption prices (expressed as percentages of the principal amount) set forth below, together with accrued interest to the redemption date:

<u>Redemption Dates</u> <u>(both dates inclusive)</u>	<u>Redemption Price</u>
January 1, 20__ to _____ 30, 20__	_____%
January 1, 20__ to _____ 30, 20__	____
January 1, 20__ and thereafter	____

If less than all of the Series 2009 Bonds of a maturity shall be called for redemption, the particular bonds or portions thereof to be redeemed shall be selected by lot in such manner as may be designated by the Bond Registrar.

Notice of redemption, unless waived, is to be given by first class mail at least 30 days and not more than 60 days prior to the date fixed for redemption to the registered owner of each Series 2009 Bond to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Bond Registrar. All such Series 2009 Bonds called for redemption and for the retirement of which funds are duly provided shall, on the redemption date designated in such notice, become and be due and payable at the redemption price provided for redemption of such Series 2009 Bonds on such date, and interest on the Series 2009 Bonds or portions of Series 2009 Bonds so called for redemption shall cease to accrue, such Series 2009 Bonds or portions of Series 2009 Bonds shall cease to be entitled to any lien, benefit, or security under the Bond Ordinance, and the owners of such Series 2009 Bonds or portions of Series 2009 Bonds shall have no rights in respect thereof except to receive payment of the redemption price. The Bond Ordinance permits optional redemptions as described above to be conditioned on the occurrence of particular events and, if a redemption is so conditioned, the notice thereof will specify the terms of such conditional redemption. Any defect in any notice of redemption shall not affect the validity of proceedings for the redemption of any Series 2009 Bonds.

The Bond Ordinance contains a more particular statement of the covenants and provisions securing the Series 2009 Bonds, the conditions under which the owner of this Series 2009 Bond may enforce covenants (other than the covenant to pay principal of and interest on this Series 2009 Bond when due from the sources provided, the right to enforce which is unconditional), the conditions upon which additional revenue bonds may be issued on a parity or achieve parity status with this Series 2009 Bond under the Bond Ordinance, and the conditions upon which the Bond Ordinance may be amended or supplemented. Upon the occurrence of an Event of Default under the Bond Ordinance, the owner of this Series 2009 Bond shall be entitled to the remedies provided by the Bond Ordinance and the Revenue Bond Law.

It is hereby certified, recited, and declared that all acts, conditions, and things required by the Constitution and the laws of the State of Georgia to exist, happen, and be performed precedent to and in the issuance of this Series 2009 Bond and the adoption of the Bond Ordinance do exist, have happened, and have been performed in due time, form, and manner as required by law.

IN WITNESS WHEREOF, the City has caused this Series 2009[A][B] Bond to be executed by the manual [facsimile] signature of its Mayor and has caused the official seal of the City to be impressed on this Series 2009[A][B] Bond and attested by the manual [facsimile] signature of its Municipal Clerk, as of _____, 2009.

(SEAL)

CITY OF ATLANTA

By: _____
Mayor

Attest:

Municipal Clerk

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This bond is one of the Series 2009[A][B] Bonds described herein.

as Bond Registrar

By: _____
Authorized Signatory

VALIDATION CERTIFICATE

STATE OF GEORGIA)
)
COUNTY OF FULTON)

The undersigned Clerk of the Superior Court of Fulton County, State of Georgia, **DOES HEREBY CERTIFY** that this Bond and the security therefor was validated and confirmed by judgment of the Superior Court of Fulton County, on _____, 2008, that no intervention or objection was filed opposing the validation of this Bond and the security therefor, and that no appeal of such judgment of validation has been taken.

Witness my (facsimile) signature and seal of the Superior Court of Fulton County, Georgia.

Clerk, Superior Court
of Fulton County, Georgia

(SEAL)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

[Please print or typewrite name and address including postal zip code.]

[Please insert Social Security or Tax Identification Number of Assignee.]

the within bond and all rights thereunder, hereby constituting and appointing

attorney to transfer this Bond on the bond registration book kept for such purpose by the Bond Registrar, with full power of substitution in the premises.

~~Signature Guaranteed~~

Registered Owner

Notice: Signature(s) must be guaranteed by an eligible guarantor Authority (such as banks, stockbrokers, savings and loan associations and credit unions) with membership in an approved Signature Guarantee Medallion Program pursuant to S.E.C. Rule 17Ad-15.

Notice: The signature(s) on this assignment must correspond with the name as it appears on the face of the within bond in every particular without alterations, enlargement or any change whatsoever.

[STATEMENT OF INSURANCE]

Section 3.4. Series 2009 Bonds are General Revenue Bonds.

(a) The Series 2009 Bonds are General Revenue Bonds under the Bond Ordinance secured by a Senior Lien on General Revenues of the Airport, subject to the payment of the 1977 Ordinance Bonds. Upon the issuance of the Series 2009 Bonds, there shall be created the Series 2009 Subaccount in the Interest Subaccount, and the Series 2009 Subaccount in the Principal Subaccount.

(b) Pursuant to the Sixth Supplemental Bond Ordinance, the Debt Service Reserve Requirement for the Series 2009 Bonds and for any series of Bonds issued pursuant to Section 502 of the Master Bond Ordinance as Additional Bonds with a Senior Lien on General Revenues of the Airport, shall be the aggregate sum of, for each such series of Bonds so secured, the lesser of (a) 125 percent of the average annual Debt Service Requirement, (b) the Maximum Annual Debt Service Requirement, and (c) 10 percent of the original issue price. Notwithstanding Section 404(f) of the Master Bond Ordinance, immediately upon issuance of the Series 2009 Bonds, the Debt Service Reserve Account shall contain, either with funds or through a Reserve Account Credit Facility, or a combination thereof, the total Debt Service Reserve Requirement.

Section 3.5. Application of Proceeds of Series 2009 Bonds.

(a) Upon the written request of the City, the Bond Registrar shall authenticate and deliver the Series 2009 Bonds to the purchaser or purchasers and shall receive a receipt for the Series 2009 Bonds. The City shall apply the proceeds from the sale of the Series 2009 Bonds as follows:

(1) The accrued interest received upon the sale of the Series 2009 Bonds shall be deposited into the Series 2009 Subaccount in the Interest Subaccount and used to pay interest due on the Series 2009 Bonds on the first Interest Payment Date following the issuance of the Series 2009 Bonds.

(2) The sum equal to the principal of and interest due on the Notes shall be deposited into the Note Retirement Account created pursuant to this Thirteenth Supplemental Bond Ordinance and held by Regions Bank, the Bond Registrar and Paying Agent for the Notes, to be applied to the redemption and payment of Notes. Concurrently with the issuance of the Series 2009 Bonds, any amounts remaining on deposit in the Airport General Account of the "City of Atlanta Notes 2008 Project Fund" created pursuant to Section 2.7 of this Thirteenth Supplemental Bond Ordinance shall be transferred to the "City of Atlanta Airport Series 2009 Project Account" of the Construction Fund as provided in Section 2.7(d) hereof.

(3) An amount sufficient to fund the Series 2009 Subaccount of the Debt Service Reserve Account shall be deposited into the Series 2009 Subaccount of the Debt Service Reserve Account.

(4) All remaining proceeds shall be either paid directly by the underwriters for issuance costs of the Series 2009 Bonds with the approval of the City or deposited into

the City of Atlanta Airport Series 2009 Project Account of the Construction Fund held and paid out in accordance with Article XII of the Master Bond Ordinance, invested in accordance with the provisions of the Bond Ordinance and applied only to payment of Costs of the Project.

Section 3.6. Preliminary Official Statement and Final Official Statement for the Series 2009 Bonds.

The preparation, use and distribution of a preliminary official statement with respect to the Series 2009 Bonds is hereby authorized and approved. The Mayor of the City or the Airport Manager, at the direction of the Mayor, is hereby authorized, for and on behalf of the City, to "deem final" the preliminary official statement pertaining to the Series 2009 Bonds for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission. The preparation and distribution of a final official statement with respect to the Series 2009 Bonds in substantially the form of the preliminary official statement but containing information contained in the supplemental bond ordinance is hereby authorized and approved. The Mayor of the City, the Chief Financial Officer of the City and the Airport Manager are authorized to execute such final official statement on behalf of the City.

Section 3.7. Continuing Disclosure Certificate.

The execution and delivery by the City of a Continuing Disclosure Certificate, to be dated as of the date of the issuance and delivery of the Series 2009 Bonds (the "Disclosure Certificate"), is hereby authorized. The Disclosure Certificate shall be in customary form and shall provide for the submission of such information to such persons as may be required by the continuing disclosure provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission; provided, however, failure of the City to comply with the Disclosure Certificate shall not be considered a default under the Bond Ordinance or the Series 2009 Bonds, and under no circumstances shall such failure affect the validity or the security for the payment of the Series 2009 Bonds. The Mayor of the City is authorized to sign the Disclosure Certificate in the name of and on behalf of the City, and the corporate seal of the City shall be affixed to the Disclosure Certificate and attested by the Municipal Clerk of the City, if required.

**ARTICLE IV
AMENDMENTS TO MASTER BOND ORDINANCE**

Section 4.1. Amendments to the Master Bond Ordinance Pursuant to [Section 1001()] [Section 1002()].

Section 101 of the Master Bond Ordinance providing for definitions of terms shall be amended to include the following additional definition:

"Commercial Paper Notes" shall mean Balloon Bonds of the City in the form of notes with a maturity of not more than 270 days from the date of issuance and which are issued and reissued from time to time pursuant to a commercial paper program established by the City pursuant to a Supplemental Ordinance.

Section 101 of the Master Bond Ordinance providing the definition of the term "Debt Service Requirement" shall be amended by providing a new subparagraph (vii) to the definition as follows:

(vii) For the purpose of calculating the Debt Service Requirement on Balloon Bonds which are issued in the form of Commercial Paper Notes the assumed interest rate used in such calculation shall be the rate quoted in The Bond Buyer 25 Revenue Bond Index, or such successor or replacement index, for the last week of the month preceding the date of calculation as published by The Bond Buyer, or if that index is no longer published, another similar index selected by the City, or if the City fails to select a replacement index, that rate certified by a Financial Advisor to be the interest rate at which the City could reasonably expect to borrow the same amount by issuing Bonds with the same priority of lien as such Commercial Paper Notes with the same term.

Section 401 of the Master Bond Ordinance specifying the lien on Pledged Revenues toward the City's obligations on Contracts that are Qualified Hedge Agreements is hereby amended by adding reference to "Hedge Payments" to subsection 401(a)(6)(B) so that such subsection (6)(B) reads as follows:

(B) the lien of the Contract shall be in parity with the lien of the related Bonds only to the extent of the payment of principal of, premium, if any, and interest on such Bonds is made through such Contract as evidenced by Reimbursement Obligations or to the extent the obligation is made pursuant to a Qualified Hedge Agreement; provided other amounts due on a Contract may be secured by a lien ranking immediately thereafter with the effect set forth in Section 705; and

Section 404(f) of the Master Bond Ordinance is hereby amended by adding a new paragraph at the end of said subsection as follows:

Notwithstanding anything herein to the contrary, the City may at any time review the status of any subaccount of the Debt Service Reserve Account. If there is a deficiency, the remedies provided for in this subsection (f) shall be followed. If there is an excess amount over the Debt Service Reserve Requirement, the terms of Section 409 shall be followed.

ARTICLE V MISCELLANEOUS

Section 5.1. Validation.

In order to proceed with the sale, issuance and delivery of the Series 2009 Bonds and the Notes, the Mayor of the City is hereby authorized and directed immediately to notify the District Attorney of the Atlanta Judicial Circuit of the action taken by the City as shown by this Thirteenth Supplemental Bond Ordinance, to request the District Attorney to institute proper proceedings to confirm and validate the Series 2009 Bonds and the Notes and to pass upon the security therefor, and the Mayor is further authorized to acknowledge service and to make answer in such proceedings and the Mayor and the Municipal Clerk of the City are authorized to

take any and all further action and to execute any and all further instruments as they might deem necessary to consummate the sale, issuance and delivery of the Series 2009 Bonds and the Notes.

Section 5.2. Closing Papers.

The Mayor, the City Attorney, the City Finance Officer and the Municipal Clerk, and other officials, officers and agents of the City, together with DEPFA First Albany and Grant & Associates, the City's financial advisors, and Bond Counsel, are hereby authorized, empowered and directed to prepare, execute, file and deliver such further instruments, certificates or other documents, any documents, including a guaranty or similar agreement, relating to a surety bond to be held in the Debt Service Reserve Account, and a certificate of the City with respect to tax matters, and to take such other and further action, as may be necessary or desirable to consummate the aforesaid issuance of the Notes and the Series 2009 Bonds and to give full force and effect to the Bond Ordinance.

Section 5.3. Binding Contract.

This Thirteenth Supplemental Bond Ordinance shall constitute a contract binding the City and, as such, the Mayor is signing this contract on behalf of the City, and the Municipal Clerk is authenticating the same.

Section 5.4. Conflicting Ordinances.

Any and all ordinances or resolutions or parts of ordinances or resolutions, except the Master Bond Ordinance, in conflict with this Thirteenth Supplemental Bond Ordinance are to the extent of such conflict hereby repealed, and this Thirteenth Supplemental Bond Ordinance shall take immediate effect and shall be in full force and effect from and after its adoption.

Section 5.5. Waiver of Performance Audit and Performance Review.

The City hereby directs that the Notice to the Public in connection with the validation of the Bonds will contain language giving notice that the City is waiving the performance audit and performance review requirements of O.C.G.A. § 36-82-100, and further, that no performance audit or performance review with respect to the Bonds will be conducted.

Adopted _____, 2008.

CITY OF ATLANTA

By: _____
Mayor

AUTHENTICATED:

Municipal Clerk

EXHIBIT A

2008 BAN PROJECT SUMMARY

EXHIBIT B

PRELIMINARY DRAFT REPORT OF THE AIRPORT CONSULTANT



EXHIBIT C

MARKETABILITY OPINION OF FINANCIAL ADVISOR

RCS# 2341
9/02/08
3:34 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	E Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II

AN ORDINANCE
BY: COUNCILMEMBERS CEASAR MITCHELL 

AN ORDINANCE TO AMEND THE FY 2009 (GENERAL FUND) BUDGET TO REOPEN AND MAINTAIN ATLANTA FIRE STATION NO. 7 BY TRANSFERRING APPROPRIATIONS FROM VARIOUS CONSULTING, SUPPLY, TRAVEL AND OTHER NON-PERSONNEL ACCOUNTS YET TO BE DETERMINED TO THE DEPARTMENT OF FIRE AND RESCUE BUDGET FUND DEPARTMENT ACCOUNT AND ORGANIZATION NUMBER; AND FOR OTHER PURPOSES.

WHEREAS, the City Council adopted the FY 2009 Budget on June 27, 2008 and forwarded it to the Mayor with an additional 2.5% reduction to the General Fund Budget as opposed to the Mayor's proposed property tax increase to balance the Budget; and

WHEREAS, the 2.5% cut amounted to an additional reduction of \$14,575,000.00 to the General Fund Budget; and

WHEREAS, the City Council adopted resolution 08-R-1350 encouraging the Mayor to implement the 2.5% reduction to the Budget without closing any fire station, swimming pool or recreation center or further cutting filled City positions; and

WHEREAS, in implementing the FY 2009 Budget the Mayor cut an additional \$7,000,000.00 beyond the \$14,575,000.00 resulting from the 2.5% across the board reduction; 165 positions, including 72 filled; and ordered the closing and decommissioning of Atlanta Fire Station No. 7; and

WHEREAS, it is estimated that the closing of Fire Station No. 7 will reduce the FY 2009 Department of Fire and Rescue Budget by up to \$1,200,000.00; and

WHEREAS, the City Council analysis of the FY 2009 General Fund Budget indicates that reductions could have been made in other areas for at least \$1,200,000.00; and

WHEREAS, citizens in Council District 4, Post 1 and from around the City have expressed their extreme disappointment at the closing of Fire Station No. 7 and question the appropriateness of the closing; and

WHEREAS, numerous citizens demand and have requested the reopening of Fire Station No. 7.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Chief Financial Officer is authorized to amend the FY 2009 (General Fund) Budget as follows:

TRANSFER FROM APPROPRIATIONS

FUND	DEPT	ACCT	FUNCT	AMOUNT
1001	xxxxxx	5212001	xxxxxxx	\$ 00,000.00
1001	xxxxxx	5235003	xxxxxxx	\$ 00,000.00
1001	xxxxxx	5311001	xxxxxxx	\$ 00,000.00
1001	xxxxxx	5xxxxxx	xxxxxxx	\$ 00,000.00
TOTAL				\$1,125,546.00

TRANSFER TO APPROPRIATIONS

1001	General Fund	\$1,108,379.00
230102	Department of Fire and Rescue	
5111006		
3520000		

1001	General Fund	\$2,479.00
230213	Department of Fire and Rescue	
5312301	Utilities, Electric	
3570000		

1001	General Fund	\$14,688.00
230213	Department of Fire and Rescue	
5312201	Utilities, Gas	
3570000		

1001	General Fund	\$1,125,546.00
230XXX	Department of Fire and Rescue Total	

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of the ordinance only, and only to the extent of the conflict.

RCS# 2364
9/02/08
5:11 PM

Atlanta City Council

REGULAR SESSION

08-O-1688

AMEND THE FY 2009 BUDGET TO REOPEN AND
MAINTAIN FIRE STATION NO.7
REFER FINANCE

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	E Sheperd	NV Borders

08-O-1688

A RESOLUTION

BY COUNCILMEMBER MARY NORWOOD

A RESOLUTION ESTABLISHING A CITY OF ATLANTA TAXATION AND SERVICE DELIVERY TECHNICAL ADVISORY COMMITTEE; AND FOR OTHER PURPOSES.

WHEREAS, City of Atlanta services are directly funded by various fees and property and sales taxes paid by its citizens and business owners; and

WHEREAS, the City of Atlanta is responsible for efficiently and effectively expending said fees and taxes to provide essential services including, but not limited to, fire, police, code enforcement and solid waste collection; and

WHEREAS, developing and maintaining municipal service plans, standards, costs, and value is central to a fiscally and qualitatively viable city; and

WHEREAS, the City of Atlanta is in the midst of a budget crisis, further compounded by weak state and national economies; and

WHEREAS, the City Council is interested in establishing policies necessary to the development, implementation, operation and management of an efficient and effective City taxation and service delivery program

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: There is hereby established a City of Atlanta Taxation and Service Delivery Technical Advisory Committee consisting of the following members:

The Mayor or her designee;

The President of Council or her designee;

Three (3) members of the public appointed by the Paired Council Districts (Districts 1 - 4 and Post 1 At-Large, Districts 5 - 8 and Post 2 At-Large and Districts 9 - 12 and Post 3 At-Large);

The City of Atlanta Acting Chief Finance Officer or his designee;

A member of the DeKalb County Board of Assessors or their designee;

A member of the Fulton County Board of Assessors or their designee;

A member of the Atlanta Board of Education or their designee;

A member of the Georgia Government Finance Officers Association;

A member of the Association of Government Accountants;

A member of the Georgia Society of Certified Public Accountants;

Two economists selected by the Georgia Bankers Association;

A member of the Securities Industry and Financial Markets Association;

A member of the Georgia Municipal Association;

A faculty member from the Andrew Young School of Public Policy, Georgia State University;

A faculty member from the Carl Vinson Institute of Government, University of Georgia;

A member of the Gate City Bar Association;

A member of the Atlanta Bar Association;

SECTION 2: The purpose of the Taxation and Service Delivery Task Force is to conduct work sessions and public hearings to review, study and recommend to the City Council ways to strengthen municipal accountability, taxation and service delivery, as well as cost saving and performance improvement initiatives.

SECTION 3: The Taxation and Service Delivery Task Force shall provide periodic updates to the Finance-Executive Committee and a final report containing findings, suggestions and recommendations to the City Council within 120 days of the enactment of this resolution.

SECTION 4: That all resolutions in conflict herewith are hereby repealed.

AN ORDINANCE

BY: COUNCILMEMBER CLETA WINSLOW

Cleta Winslow

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ACCEPT A DONATION IN THE AMOUNT OF _____ FROM THE ATLANTA FIRE FOUNDATION ON BEHALF OF THE ATLANTA DEPARTMENT OF FIRE AND RESCUE TO FUND THE RENOVATION OF FIRE STATION # 7; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta Fire Foundation is a 501(c) 3 non-profit organization, established to assist Atlanta Fire & Rescue with its mission by providing donations of funds, capital expenditures, equipment, goods and services; and

WHEREAS, the citizens, business owners and residents of the neighborhoods surrounding Fire Station # 7 have conducted fund raising activities to support the renovation of Fire Station # 7, and wish to donate funding to the Atlanta Fire Foundation for the restricted purpose of renovating the Fire Station.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That the Mayor or her designee, on behalf of the City of Atlanta, is authorized to accept a donation in the amount of _____ from the Atlanta Fire Foundation for the renovation of Fire Station # 7.

SECTION 2: The 2009 (General Fund) Budget, Department of Fire & Rescue, is hereby amended as follows:

ADD TO ANTICIPATIONS

1001	General Fund	\$ _____
230102	Department of Fire and Rescue	
5111006		
3520000		

ADD TO APPROPRIATIONS

1001	General Fund	\$ _____
230102	Department of Fire and Rescue	
5111006		
3520000		

SECTION 3: All Ordinances and parts of Ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

A RESOLUTION BY

FINANCE /EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A CONTRACTUAL AGREEMENT WITH IRON MOUNTAIN TO PROVIDE FOR THE REMOVAL OF ALL RECORDS FROM CITY HALL EAST AND TO STORE THE CITY'S RECORDS IN ACCORDANCE WITH THE VARIOUS APPROVED RETENTION SCHEDULES; SAID EXPENSES ASSOCIATED WITH THIS CONTRACT SHALL BE CHARGED TO 1001 (General Fund) 200313 (NDP Records Management) 5212001 (Consultant/Professional Services) 1580000; AND FOR OTHER PURPOSES.

WHEREAS, Article XIV, RECORDS MANAGEMENT establishes a Records Management Administrative Committee to oversee records management for all types of records required to be stored by the City; and.

WHEREAS, The committee is made up of representatives of the Municipal Clerk, Executive Office, Finance Department, Law Department and Department of Information Technology and is chaired by the Finance Department; and

WHEREAS, the City of Atlanta (the "City") did solicit from qualified firms proposals for FC-6006007948, the Outsourcing of Records Management for the City of Atlanta, on behalf of the Department of Finance, to assist the City with Removal and Storage of City records currently maintained at City Hall East; and

WHEREAS, in accordance with the guidelines contained in the Procurement Code, the bid for FC-6006007948 was properly awarded to Iron Mountain; and

WHEREAS, the Records Management Administrative Committee, established by Article XIV, RECORDS MANAGEMENT, has voted to move forward with a recommendation of Iron Mountain.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby authorized to enter into an Agreement with Iron Mountain, to provide for the Removal of all records from City Hall East and to store the City's records in accordance with the various retention schedules.

BE IT FURTHER RESOLVED, that the financial impact of any such agreement shall not exceed \$150,000 as included in the FY 2009 General Fund Budget; and

BE IT FURTHER RESOLVED, that the Chief Procurement Officer be and hereby is directed to prepare said Contract for execution by the Mayor, to be approved as to form by the City Attorney.

BE IT FURTHER RESOLVED, that all services for said contract shall not become binding on the City of Atlanta, and the City of Atlanta shall incur no liability or obligation as to said Contract until the same has been signed by the Mayor and delivered to the contracting party.

BE IT FURTHER RESOLVED, that funds made available for payment in connection with services of said contracted work shall be deposited into 1001 (General Fund) 200313 (NDP Records Management) 5212001 (Consultant/Professional Services) 1580000.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance Executive Committee

Caption: A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH IRON MOUNTAIN TO PROVIDE FOR THE REMOVAL OF ALL RECORDS FROM CITY HALL EAST AND TO STORE THE CITY'S RECORDS IN ACCORDANCE WITH THE VARIOUS APPROVED RETENTION SCHEDULES.

Council Meeting Date: October 28-29, 2008

Requesting Dept.: Department of Finance

FAC Confirmed by: Ray Zies

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: *The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.*

With the sale of City Hall East, the City will no longer have an in-house facility to maintain and store records for the city. The purpose of this legislation is to authorize the Mayor or her designee to negotiate a contract with Iron Mountain for the removal of all records from City hall East and to store the City's records in accordance with the various approved retention schedules.

2. Please provide background information regarding this legislation.

Example: *The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.*

Article XIV, RECORDS MANAGEMENT establishes a Records Management Administrative Committee to oversee records management for all types of records required to be stored by the City. This committee is made up of representatives of the Municipal Clerk, Executive Office, Finance Department, Law Department and Department of Information Technology and is chaired by the Finance Department. This committee, through the Finance Department, issued an RFP, FC-6006007948 for the outsourcing of records management for the City of Atlanta.

After an extensive review the Records Management Administrative Committee voted to move forward with a recommendation of Iron Mountain.

3. If Applicable/Known:

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc): Professional Services
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (Ex. Name and number): 1001 (General Fund) 200313 (NDP Records Management) 5212001 (Consultant/Professional Services) 000000 00000 0000 0000000000 00000000

Fund: _____ **Account:** _____ **Center:** _____

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: \$ 150,000 (included in the FY 2009 General Fund Budget)

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Ray Zies

**Department of Procurement
Legislative Summary**

Committee of Purview:
Finance/Executive

Caption:

Council Meeting Date: November 3, 2008

Legislation Title: Contract Agreement between Iron Mountain and the City FC-6006007948

Requesting Dept.: Department of Finance

Contract Type: Records Storage and Management

Source Selection: RFP

Bids/Proposals Due: February 21, 2007

**Number of Bids/
Proposals Received:** Three (3)

Bidders/Proponents:

- 1) **Iron Mountain**
- 2) Recall
- 3) GRM Information Management Services.

Justification Statement: Based on the information submitted and the evaluation criteria established for this project, the most responsible and responsive proponent is Iron Mountain.

Background: Will provide the City with a qualified firm to provide records storage management for Municipal Records Center, which includes storage of historical and inactive municipal records.

Fund Account Center: 1001 (General Fund) 200313 (NDP Records Management) 5212001 (Consultant/Professional Services) 1580000; and for other purposes.

Source of Funds: N/A

Fiscal Impact: One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00)

Term of Contract: Ten (10) years with two (2) five (5) year renewal options at the sole discretion of the City.

Approvals:

DOF: YES
DOL: YES

Prepared by: Elsa D. Castro
Contact Number: X6426



CITY OF ATLANTA

SHIRLEY FRANKLIN
MAYOR

DEPARTMENT OF FINANCE
68 MITCHELL STREET, S.W., SUITE 11100
ATLANTA, GEORGIA 30335-0312
VOICE (404) 330-6430 FAX (404) 658-8667

E RAY ZIES
ACTING CHIEF FINANCIAL OFFICER

To: Adam Smith
Chief Procurement Officer

From: Ray Zies
Acting Chief Financial Officer

Ray Zies

Date: July 22, 2008

Subject: Records Storage & Management

The Records Administration Committee met in a Special Called Meeting on July 10, 2008 and formally voted to move ahead with the proposal from Iron Mountain for Records Storage & Management.

Cc: Elsa Castro, Procurement
Malcolm William, Records Manager, Senior

The Department of Finance...because customer service is important to us



CITY OF ATLANTA

SUITE 1700

55 TRINITY AVENUE, SW

ATLANTA, GA 30303

(404) 330-6010 Fax: (404) 658-7359

Internet Home Page: www.atlantaga.gov

Shirley Franklin
Mayor

OFFICE OF CONTRACT COMPLIANCE

Hubert Owens

Director

howens@atlantaga.gov

MEMORANDUM

TO: Adam L. Smith Esq.
Chief Procurement Officer

FROM: Hubert Owens
Director – Office of Contract Compliance

RE: FC# 6006007948, Records Storage and Management (RFP)

DATE: March 29, 2007

The Office of Contract Compliance has evaluated three (3) Proposals for minority and female business enterprise participation. All proponents are eligible under Section 2-1449(a) (2) (C) but only two (2) of them has been deemed responsive by the Office of Contract Compliance. For your information, the proponents have committed to utilizing AABE's, FBE's, HBE's, and ABE's as indicated below:

GRM Information Management Services		(15 pts)
ASAP Staffing Company	FBE	23%
Happy Faces Personnel Group, Inc.	AABE	29%
Total Participation		52%

Iron Mountain Information Management Services		(15 pts)
Staffing Resources, Inc.	FBE	4%
Heritage TKG, Inc.	ABE	40%
Nu Concept Courier, Inc.	AABE	16%
Total Participation		60%

07 MAR 30 PM 2:19
DEPT. OF PROCUREMENT
CITY OF ATLANTA

Page 2
Adam L. Smith
March 29, 2007

Recall	(0 pts)
Total Participation	0%
Non-Responsive	

If you have questions, please contact me at (404) 330-6010 or Tracy Reed at (404) 330-6011.

cc: File
Elsa D. Castro, DOP

ELSA CASTRO
CONTRACTING OFFICER

2007 FEB 21 PM 1:59
FC-6006007948 PROJECT TITLE: RECORDS STORAGE AND MANAGEMENT (RFP)
DATE: FEBRUARY 21, 2007
TOTAL NUMBER OF PROPONENTS:

[illegible]

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: LaShawn Gardiner

Contact Number: (404) 330-6449

Originating Department: Department of Finance

Committee(s) of Purview: Finance/Executive

Chief of Staff Deadline: 10/15/2008

Anticipated Committee Meeting Date(s): Oct. 29, 2008

Anticipated Full Council Date: Nov. 3, 2008

Legislative Counsel's Signature: Jack Tilson

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: [Signature]

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A CONTRACTUAL AGREEMENT WITH IRON MOUNTAIN TO PROVIDE FOR THE REMOVAL OF ALL RECORDS FROM CITY HALL EAST AND TO STORE THE CITY'S RECORDS IN ACCORDANCE WITH THE VARIOUS APPROVED RETENTION SCHEDULES; SAID EXPENSES ASSOCIATED WITH THIS CONTRACT SHALL BE CHARGED TO 1001 (General Fund) 200313 (NDP Records Management) 5212001 (Consultant/Professional Services) 1580000; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)
Received by Mayor's Office: 10.17.08 Reviewed by: [Signature]
(date) (date)
Submitted to Council: _____
(date)

**A SUBSTITUTE ORDINANCE
BY COUNCILMEMBER H. LAMAR WILLIS**

08-O-2135

**AN ORDINANCE TO AMEND CHAPTER 114 ARTICLE IV
DIVISION 12 SECTION 14-379 OF THE CODE OF ORDINANCES
OF THE CITY OF ATLANTA SO AS TO PROVIDE FOR
LEGISLATIVE REVIEW OF ANY REDUCTION IN FORCE BY
EXECUTIVE OR LEGISLATIVE ACTIONS INVOLVING PUBLIC
SAFETY AND COURT EMPLOYEES; TO WAIVE CONFLICTING
ORDINANCES; AND FOR OTHER PURPOSES**

WHEREAS, Section 14-379 of the Code of Ordinances provides for layoff or reduction in force applicable to all employees of the City of Atlanta, provided that such employees are within the classified service;

WHEREAS, the operations of the Departments of Police, Fire Rescue and Corrections, and of the judicial branch of City government, are essential to the City's responsibility to protect the safety, health and welfare of its citizens, making review and approval by the City Council necessary to ensure that any layoff or reduction in force does not compromise such operations.

**BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA,
GEORGIA, as follows:**

Section 1. That Section 114-379 of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding to subsection (a) the following words, "within all departments of the executive branch except the Departments of Police, Fire Rescue and Corrections" so that, as amended, said section shall read as follows:

(a) This section shall apply to regular employees within the classified service within all departments of the executive branch except the Departments of Police, Fire and Corrections.

Section 2. That Section 114-379 of the Code of Ordinances of the City of Atlanta, Georgia is hereby further amended by adding thereto a new subsection (o) which shall read as follows:

(o) No RIF shall be implemented for employees of the Departments of Police, Fire Rescue or Corrections or employees of the judicial branch of City government, unless proposed to the City Council in the form of a resolution, referred to the Council Committee on Public Safety and Legal Administration and Committee on Finance and Executive, and approved by the City Council.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

AN ORDINANCE
BY COUNCILMAN H. LAMAR WILLIS

08-○-2135

AN ORDINANCE TO AMEND CHAPTER 114 ARTICLE IV DIVISION 12 SECTION 14-379 OF THE CODE OF ORDINANCE OF THE CITY OF ATLANTA SO AS TO PROVIDE FOR WRITTEN JUSTIFICATION AND HEARING FOR ANY REDUCTION IN FORCE BY EXECUTIVE OR LEGISLATIVE ACTIONS INVOLVING PUBLIC SAFETY AND COURT EMPLOYEES; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, a reduction in force (RIF) may come from executive or legislative action because of lack of work, shortage of funds or reorganization: and

WHEREAS, Section 14-379 of the Atlanta City Charter provides that the permanent responsibility of the City is to protect the safety, health and welfare of its citizens: and

WHEREAS, The Public Safety Departments and the Court are essential to the fulfillment of said responsibility.

Be it hereby ordained by the Council of the City of Atlanta, Georgia, as follows:

Section 1: A new Section 114-379.1 of the Code of Ordinances of the City of Atlanta Georgia is hereby created which section shall provide of follows:

Notwithstanding the layoff or reduction in force provision contained in Section 114-379 of the Code of Ordinances of the City of Atlanta, all regular employees within the classified service in the Departments of Police, Fire, Correction and Judicial Agencies will be subject to reduction in force (RIF) only under the following conditions:

1. Any proposal for a RIF to either Public Safety or the Court must first be presented in writing before City Council at least 14 days prior to any separation. Council shall refer proposal to the Committee of Purvue, the Finance Committee.
2. Finance Committee may request financial documents and other budget materials to determine justification for RIF in either Sector.
3. Finance Committee may either:
 - (a) Approve RIF proposal as proposed based upon information received, and forward to City Council with a favorable recommendation
 - or
 - (b) Require Show Cause hearing before City Council for justification of RIF proposal.

4. City Council must vote for approval of RIF proposal. Approval is granted by 2/3 vote.
5. Finance Committee shall have the authority to specifically dictate any approved cuts.
6. No RIF to either Public Safety or Court shall occur until City Council approves.

Section 2: All ordinances or parts of ordinances in conflict with the ordinances are hereby waived to the extent of any such conflict.

AN ORDINANCE

08-0 -2257

BY: COUNCILMEMBER C.T. MARTIN

**AN ORDINANCE TO AMEND ARTICLE "V"
CLASSIFICATION PLAN, SECTION 114-477, OF THE
CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA,
SO AS TO CREATE A CLASSIFICATION AND POSITION
OF ECONOMIST; AND FOR OTHER PURPOSES.**

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS that Section 114-477, of the Code of Ordinances, City of Atlanta, Georgia, be and the same is hereby amended as follows.

SECTION 1: EFFECTIVE DATE OF ACTIONS: That the effective date for actions contained within this ordinance shall be the beginning date of the pay period following adoption by Council and approval by the Mayor.

SECTION 2: CLASSIFICATION CREATION: That the classification plan of the City of Atlanta is hereby amended by creating the following classification as indicated:

<u>CLASSIFICATION TITLE</u>	<u>CLASS CODE</u>	<u>GRADE</u>	<u>ANNUAL SALARY</u>
Economist	*****	SM-5	\$110,974.05 - \$173,396.96

SECTION 3: POSITION CREATION UNCLASSIFIED: That the following position be and the same is hereby created in the Unclassified Service in the Department:

FINANCE

CHIEF FINANCIAL OFFICER

<u>ACCOUNT NUMBER</u>	<u>POS. NO</u>	<u>NO. POS.</u>	<u>CLASSIFICATION TITLE</u>	<u>CLASS CODE</u>	<u>PAY GRADE</u>	<u>ANNUAL SALARY</u>
.00101 5111001	****	1	Economist	*****	SM-5	\$110,974.05 \$173,396.96

SECTION 4: ABOVE ENTRY HIRING AUTHORIZATION: That authorization is granted to fill positions in the following classification up to the maximum of the salary grade.

FINANCE

CHIEF FINANCIAL OFFICER

<u>ACCOUNT</u> <u>NUMBER</u>	<u>POS.</u> <u>NO</u>	<u>NO.</u> <u>POS.</u>	<u>CLASSIFICATION TITLE</u>	<u>CLASS</u> <u>CODE</u>	<u>PAY</u> <u>GRADE</u>	<u>ANNUAL</u> <u>SALARY</u>
100101 5111001	****	1	Economist	*****	SM-5	\$110,974.05 \$173,396.96

SECTION 5: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

08- *ℓ* -2289

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT PURSUANT TO SECTION 2-1601 ET. SEQ. OF THE CITY OF ATLANTA CODE OF ORDINANCES, UTILIZING GSA CONTRACT GS-35F-0009T WITH ORACLE USA, INC., FOR THE PURCHASE OF CONSULTING AND PROFESSIONAL SERVICES TO IMPLEMENT THE ORACLE HUMAN RESOURCES SELF-SERVICE MODULE ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY-NINE THOUSAND, SIX HUNDRED SIXTY-SIX DOLLARS AND NO CENTS (\$279,666.00) ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM 1001 (GENERAL FUND) 050202 (IT APPLICATIONS) 5213001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM) AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into a contractual agreement with Oracle USA, Inc. ("Oracle"), for software licenses and support for 5 years pursuant to Resolution 08-R-0527; and

WHEREAS, the Department of Information Technology desires to implement the Human Resources Self-Service Module of the Oracle ERP system software; and

WHEREAS, pursuant to Sections 2-1602 and 2-1604 of the City of Atlanta Code of Ordinances ("City Code"), the Chief Procurement Officer may procure supplies, services or construction items through contracts established by the purchasing division of the State where such contracts and contractors substantially meet the requirements of Article X of the City Code; and

WHEREAS, the Chief Information Officer of the Department of Information Technology and the Chief Procurement Officer of the Department of Procurement recommend utilizing GSA Contract # GS-35F-0009T with Oracle to cooperatively purchase Consulting and Professional services to implement the Human Resources Self-Service Module of the Oracle ERP system software.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor or her designee is authorized to enter into a cooperative purchasing agreement with Oracle USA, Inc., utilizing GSA Contract # GS-35F-0009T to cooperatively purchase Consulting and Professional services to implement the Human Resources Self-Service Module of the Oracle ERP system software, in an amount not to exceed Two Hundred Seventy-Nine Thousand, Six Hundred Sixty-Six Dollars and No Cents (\$279,666.00).

BE IT FURTHER RESOLVED, that all contracted work will be charged to and paid from Fund, Department Organization and Account number 1001 (General Fund) 050202 (IT Applications) 521301 (Consulting/Professional Services) 1535000 (Data Processing/Management Information System).

BE IT FURTHER RESOLVED, that the Agreement will be for a period of nine (9) months with an option to renew for an additional three (3) months; and

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the appropriate Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that the Agreement will not become binding upon the City and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to the contracted parties.

Legislation Summary

Committee of Purview:

Caption

A resolution authorizing the Mayor to execute an appropriate contractual agreement on behalf of the Department of Information Technology with Oracle USA, Inc. in an amount not to exceed two hundred seventy nine thousand six hundred sixty six dollars and no cents (\$279,666.00). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050202 (IT Applications), 5213001 (Consulting/Professional Services), 1535000 (Data Processing/Management Information System).

Council Meeting Date:

December 1, 2008

Legislation Title:

Resolution authorizing the Chief Procurement Officer to utilize the Federal GSA Contract #GS-35F-0009T with Oracle USA, Inc. for the Purchase of Consulting and Professional Services to Implement the Oracle Human Resources Self-Service Module on behalf of the Department of Information Technology in an amount not to exceed two hundred seventy nine thousand six hundred sixty six dollars and no cents (\$279,666.00). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050202 (IT Applications), 5213001 (Consulting/Professional Services), 1535000 (Data Processing/Management Information System).

Requesting Department:

Department of Information Technology

Contract Type:

N/A

Source Selection:

Federal GSA Contract #GS-35F-0009T

Bids/Proposals Due:

N/A

Invitations Issued:

N/A

**Number of Bids/
Proposals Received:**

N/A

Bidders/Proponents:

N/A

Justification Statement: N/A

Background: N/A

Fund Account Centers: 1001 (General Fund), 050202 (IT Applications),
5213001 (Consulting/Professional Services),
1535000 (Data Processing/Management
Information System).

Source of Funds: N/A

Fiscal Impact: N/A

Term of Contract: N/A

Method of Cost Recovery: N/A

Approval:

DOF:

DOL:

Prepared By: Patricia Lowe, Buyer

Contact Number: 404.330.6583


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Contractor Information

(Vendors) How to change your company information

Contract #:		GS-35F-0009T		Socio-Economic :		Other than small business	
Contractor:		ORACLE USA, INC.		Govt. Contracting Officer:		REGINA ELLIS	
Address:		500 ORACLE PKWY REDWOOD CITY, CA 94065-1677		Phone: 703-605-2714		E-Mail: regina.ellis@gsa.gov	
Phone:		(703)364-1558		E-Mail:		regina.ellis@gsa.gov	
E-Mail:		GSAINFO_US@Oracle.com					
Web Address:		http://www.oracle.com/index.html					

Source	Title	Contract Number	Contract Terms & Conditions	Contract End Date	Category	View Items Available
70	GENERAL PURPOSE COMMERCIAL INFORMATION TECHNOLOGY EQUIPMENT, SOFTWARE, AND SERVICES	GS-35F-0009T		Sep 30, 2011	132 3	GSA Advantage!
					132 32	GSA Advantage!
					132 33	GSA Advantage!
					132 34	GSA Advantage!
					132 51	GSA Advantage!

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: FINANCE/EXECUTIVE

Caption:

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT PURSUANT TO SECTION 2-1601 ET. SEQ. OF THE CITY OF ATLANTA CODE OF ORDINANCES, UTILIZING GSA CONTRACT GS-35F-0009T WITH ORACLE USA, INC., FOR THE PURCHASE OF CONSULTING AND PROFESSIONAL SERVICES TO IMPLEMENT THE ORACLE HUMAN RESOURCES SELF-SERVICE MODULE ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY-NINE THOUSAND, SIX HUNDRED SIXTY-SIX DOLLARS AND NO CENTS (\$279,666.00) ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM 1001 (GENERAL FUND) 050202 (IT APPLICATIONS) 5213001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM) AND FOR OTHER PURPOSES.

Council Meeting Date: December 1, 2008

Requesting Dept.: Information Technology

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The Department of Information Technology desires to implement the Human Resources Self-Service Module of the Oracle ERP system software.

2. Please provide background information regarding this legislation.

The City of Atlanta ("City") entered into a contractual agreement with Oracle USA, Inc. ("Oracle"), for software licenses and support for 5 years pursuant to Resolution 08-R-0527. The HR Self Service Module was not implemented with the other modules.

If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Consulting and Professional Services

(b) **Source Selection:** Cooperative Purchase

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract: 9 months w/ 3 month renewal option

4. Fund Account Center: 1001 (General Fund) 050202 (IT Applications) 5410001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information System)

5. Source of Funds:

6. Fiscal Impact: \$279,666.00

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Kathleen Lane, DIT Compliance Analyst



ORDERING DOCUMENT

Customer Name: The City of Atlanta
Customer Address: 55 Trinity Avenue
Atlanta, GA 30303

Oracle USA, Inc.
500 Oracle Parkway
Redwood Shores, CA 94065

ORACLE CONTRACT INFORMATION

Agreement: Oracle's GSA Schedule No: GS-35F-0009T (CP)
Ordering Document Number: US-7655-OD-05-NOV-2008

This ordering document incorporates by reference the terms of the agreement specified above and all amendments thereto (the "agreement"). As used in this ordering document, "you" or "your" shall refer to the customer as defined in the agreement.

A. SERVICES

City of Atlanta ("ordering activity") has ordered the services listed below in the table and detailed in the attached exhibit(s), which are incorporated herein by reference.

All fees on this ordering document are in US dollars.

Services	Reference	Fees*
Fixed Price Services	Exhibit 1 – FPE – 3002_____	\$279,666.00
Total Fees		\$279,666.00

*Expenses are in accordance with the referenced exhibit(s).

Fees shall be due and payable pursuant to the terms of the agreement and as may be specified in the statement of work.

B. ADDITIONAL TERMS

1. Contact Information.

Oracle Contracts Manager/Administrator:

Name:	Debra Downing
Address:	Oracle USA, Inc. 1001 Sunset Blvd. Rocklin, CA 95765
Phone:	916-315-4558
Fax:	916-315-4558
Email:	Debra.Downing@Oracle.Com

Ordering Activity Billing/Accounts Payable Contact:

Name:	Merien Rouse
Address:	City of Atlanta 55 Trinity Avenue Atlanta, GA 30303
Phone:	404-217-2996
Fax:	
Email:	Mrouse@atlantaga.gov

2. Export.

Export laws and regulations of the United States and any other relevant local export laws regulations apply to the programs. The Customer agrees that such export control laws govern use of the programs (including technical data) and any services deliverables provided pursuant to an order under this contract, and to comply with all such export laws and regulations (including "deemed export" and "deemed re-export" regulations); additional information can be found on Oracle's Global Trade Compliance web site located at <http://oracle.com/contracts>. The Customer agrees that no data, information, program and/or materials resulting from services (or direct product thereof) will be exported, directly or indirectly, in violation of these laws. Or will be used for any purpose prohibited by these laws including, without limitation, nuclear, chemical, or biological weapons proliferation, or development of missile technology.

3. No Assignment of Orders, Licenses or Services.

The Customer may not assign orders or give or transfer the programs and/or any services ordered or an interest in them to another individual or entity. If a Customer grants a security interest in the programs and/or any services deliverables, the secured party has no right to use or transfer the programs and/or any services deliverables, and if a Customer decides to lease or finance the acquisition of the programs and/or any services, it will follow Oracle's policies regarding financing and leasing which are at <http://oracle.com/contracts>.

4. Other.

This order is governed by the substantive and procedural laws of California and the Customer and Oracle agree to submit to the exclusive jurisdiction of, and venue in, the courts in San Francisco, San Mateo, or Santa Clara counties in California in any dispute arising out of or relating to this order.

Purchase Order Exception

Oracle processes your order after receipt of a purchase order. If you are unable to issue a purchase order for the services ordered hereto for an amount up to the total fees specified in Section A above, please check the appropriate box below:

- ☐ **THE CITY OF ATLANTA** does not issue purchase orders.
☐ **THE CITY OF ATLANTA** does not require a purchase order for the services ordered hereto.

1) The order must be billed to the Billing address specified below:

Name: Charlotte Daniely
Address: 68 Mitchell Street SW, Suite 6100
Atlanta, GA 30303
Phone: 404-300-4608
Fax: 404-658-1969
Email: cdaniely@atlantaga.gov

- 2) You will not be granted a Credit Memo or a Rebill of invoice as issued due to incorrect information provided herein.
3) **This section must be signed by an authorized signatory from your finance department. Authorized signing authority titles include: Purchasing Manager, Accounts Payable Manager, Controller, Finance Director, Director of Purchasing, VP of Finance, VP of Purchasing, CFO, President, CEO.**

The information provided above is accurate and complies with your business practices in making this purchase, including obtaining all necessary approvals to release the funds for this purchase. Your signature affirms your commitment to pay for the services ordered in accordance with the terms of this ordering document.

THE CITY OF ATLANTA

Authorized Finance Representative Signature: _____

Name (printed): _____

Full Title (printed): _____

Signature Date: _____

This quote is valid through 30-NOV-2008 and shall become binding upon execution by you and acceptance by Oracle.

THE CITY OF ATLANTA**Oracle USA, Inc.**

Authorized Signature: _____

Authorized Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Signature Date: _____

Signature Date: _____

Ordering Document Effective Date: _____ {To be completed by Oracle}



FIXED PRICE EXHIBIT

ORACLE CONTRACT INFORMATION

Customer Name: The City of Atlanta
Ordering Document Number: US-7655-OD-05-NOV-2008
Exhibit Number: Exhibit 1 – FPE - 3002 _____

This exhibit incorporates by reference the terms of the ordering document specified above.

1. Description of Services and Deliverables/Applicable Acceptance Procedures (if any)
Oracle will assist you with the following services:

A. Self Service – Employee/Manager – up to 4 weeks

Oracle Tasks	Client Responsibilities
<ul style="list-style-type: none">1) Revalidate configuration & profile settings2) Make minor changes to configuration/settings as needed3) Assist in development of Testing Plan – scenarios, test data4) Assist with processes and roll-out strategy5) Update BR-100 for SS6) Create Security Matrix for HR Rep Mgr	<ul style="list-style-type: none">1) Documentation of configuration, test scripts, processes, procedures, project plan, and strategy.2) Training development, including UPK3) Full system testing4) Sign-off of configuration, processes/procedures in a timely manner5) Availability of appropriate City resources to work with Oracle consultants to learn6) Identify requirements for Responsibility security for HR Reps7) Build custom Security Profiles & Responsibilities (approx 150 each)

Deliverables:

- 1) BR-100 for SS updated
- 2) Security Matrix for HR Rep Mgr SS created
- 3) Creation of a Report outlining outcome/accomplishments related to Oracle tasks set forth in Section A – Self-Service - Employee Manager.

Acceptance Criteria

- 1) Delivery of a report to customer, in MS Format, containing the results/outcome of Oracle tasks/deliverables, as set forth in Section A – Self-Service - Employee Manager.

B. OAB – Self Service configuration – up to 6 weeks

Oracle Tasks	Client Responsibilities
<ol style="list-style-type: none"> 1) Requirements gathering for Oracle Advanced Benefits Self Service (OAB SS) 2) Analyze Test Instance and current patch list 3) Configure Self-Service (SS) and Communication Types 4) Develop Test Scripts for SS Open Enrollment 5) Review Business Processes and Application functionality prior to running Open Enrollment 6) Provide assistance to address SS issues during Full Mock Open Enrollment test 7) Setup BR-100 for SSben 	<ol style="list-style-type: none"> 1) Changes to existing Plans, Vendors, eligibility rules, interface, or Fast Formulas 2) Additional Plans, vendors, eligibility rules, interface, or Fast Formulas 3) Documenting new plan/benefit changes in BR-100 4) Updating of new rates 5) Documenting Discoverer report requirements 6) Checking Payroll Calendars & Plan Year periods 7) Setup/modify Life Events 8) Assess Derived Factors and Eligibility 9) Full testing of new configuration, including SS 10) Process Full Mock Open Enrollment utilizing SS 11) Process Open Enrollment Life Event 12) Monitor other life events occurring after Open Enrollment but before Sep 1 13) Print/Review Life Event Summary & Enrollment Reports 14) Verify enrollments 15) Verify Enrollment reports/certifications/communications to Employees 16) Set up FSA codes for new coverage (current enrollees must re-enroll each year). 17) Test/verify FF resets at Benefit YB and reconciles for missed payments.

Deliverables:

- 1) Completion of BR100 setups for SSBen.
- 2) Creation of Report outlining the outcome/accomplishments related to Oracle tasks set forth in Section B – OAB Self-Service Configuration.

Acceptance Criteria:

- 1) Delivery of a report to customer, in MS Format, containing the results/outcome of Oracle tasks/deliverables, as set forth in Section B – OAB Self-Service Configuration

C. OAB (non-Self Service) Open Enrollment – up to 5 weeks

Oracle Tasks	Client Responsibilities
<ol style="list-style-type: none"> 1) Oracle support for the items identified as City of responsibility above, in Section B. Self-Service Configuration as follows: <ol style="list-style-type: none"> a) Checking Payroll Calendars & Plan Year periods b) Setup/modify Life Events c) Assess Derived Factors and Eligibility 	<ol style="list-style-type: none"> 1) Changes to existing Plans, Vendors, eligibility rules, interface, or Fast Formulas 2) Additional Plans, vendors, eligibility rules, interface, or Fast Formulas 3) Documenting new plan/benefit changes in BR-100 4) Updating of new rates 5) Documenting Discoverer report requirements

d) Full testing of new configuration, including SS e) Process Full Mock Open Enrollment utilizing SS f) Process Open Enrollment Life Event g) Print/Review Life Event Summary & Enrollment Reports	6) Monitor other life events occurring after Open Enrollment but before Sep 1 7) Verify enrollments 8) Verify Enrollment reports/certifications/communications to Employees 9) Set up FSA codes for new coverage (current enrollees must re-enroll each year). Test/verify FF resets at Benefit YB and reconciles for missed payments.
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Deliverables:

- 1) Completion of the Oracle Tasks as set forth in Section C.
- 2) Creation of Report outlining the outcome/accomplishments related to Oracle tasks set forth in Section C. OAB (non-Self Service) Open Enrollment.

Acceptance Criteria:

- 1) Delivery of a report to customer, in MS Format, containing the results/outcome of Oracle tasks/deliverables, as set forth in Section C – OAB (non-Self Service) Open Enrollment

D. Learning Management (OLM) – up to 4 weeks

Oracle Tasks	Client Responsibilities
1) Revalidate configuration & profile settings 2) Make minor changes to configuration/settings as needed 3) Assist in development of Testing Plan – scenarios, test data 4) Assist with updates to Test Scripts 5) Assist with processes and roll-out strategy 6) Assist with identifying requirements for Responsibility security for Dept Training Coordinators 7) Work w/ Training Dept on use of application 8) Updates BR-100 for OLM 9) Create Security Matrix for OLM	1) Documentation of test scripts, processes, procedures, project plan, and strategy. 2) Training development, including UPK 3) Full system testing 4) Sign-off of configuration, processes/procedures in a timely manner 5) Availability of appropriate City resources to work with Oracle consultants to learn application and complete City tasks per agreed timelines 6) Identify requirements for Responsibility security for Dept Training Coordinators 7) Build custom Security Profiles & Responsibilities

Deliverables:

- 1) BR-100 for OLM updated.
- 2) Security Matrix for OLM created
- 3) Creation of a Report outlining the outcome/accomplishments related to Oracle tasks set forth in Section D. Learning Management (OLM).

Acceptance Criteria:

- 1) Delivery of a report to customer, in MS Format, containing the results/outcome of Oracle tasks/deliverables, as set forth in Section D. Learning Management (OLM).

E. Technical Support – up to 4 weeks

Oracle Tasks	Client Responsibilities
1) Up to 2 weeks for Self Service (Personalizations, workflows, load custom AME approval table, help with custom security) b) Up to 2 weeks of OAB technical support as needed (example: Personalizations)	Not applicable

Deliverables:

- 1) Delivery of Oracle Tasks as set forth in Section E Technical Support.
- 2) Creation of a report to customer, in MS Format, containing the results/outcome of Oracle tasks/deliverables, as set forth in Section E. Technical Support.

Acceptance Criteria.

- 1) Delivery of weekly status reports, and a final report, in MS Word Format, containing the results/outcome of Oracle tasks/deliverables, as set forth in Section E. Technical Support.

F. Functional Support for Test Scripts and Testing of Self Service and OAB Applications – up to 3 weeks

Deliverables:

- 1) Creation of weekly status reports identifying accomplishments and work planned for the next week, if applicable related to Section F. Functional Support for Test Scripts and Testing of Self Service and OAB Applications.

Acceptance Criteria.

- 1) Delivery of weekly status reports, and a final report, in MS Word Format, containing the results/outcome of completed Oracle tasks/deliverables related to Section F. Functional Support for Test Scripts and Testing of Self Service and OAB Applications.

G. Assistance with a Custom View for Status workflows – up to 3 weeks

Deliverables:

- 1) Creation of weekly status reports identifying accomplishments and work planned for the next week, related to Section G Custom View for Status workflows.

Acceptance Criteria.

- 1) Delivery of weekly status reports, and a final report, in MS Word Format, containing the results/outcome of completed Oracle tasks/deliverables related to Section G. Assistance with a Custom View for Status workflows.

2. Your Obligations and Project Assumptions.

You acknowledge that your timely provision of and access to office accommodations, facilities, equipment, assistance, cooperation, complete and accurate information and data from your officers, agents, and employees, and suitably configured computer products (collectively, “cooperation”) are essential to the performance of any services as set forth in

this exhibit. Oracle will not be responsible for any deficiency in performing services if such deficiency results from your failure to provide full cooperation.

You acknowledge that Oracle's ability to perform the services depends upon your fulfillment of the following obligations and the following project assumptions:

A. Your Obligations

1. Maintain the properly configured hardware/operating system platform to support the services.
2. Obtain licenses under separate contract for any necessary Oracle programs before the commencement of services.
3. Maintain annual technical support for the Oracle programs under separate contract throughout the term of the services.
4. Provide Oracle with full access to the relevant functional, technical and business resources with adequate skills and knowledge to support the performance of services.
5. Obtain any consents required for Oracle to perform services under this exhibit.
6. Allow Oracle to post, at any site at which services are performed, any documents necessary for Oracle to provide services in compliance with the law.

A. Project Assumptions - None

You acknowledge that if Oracle's cost of providing services is increased because of your failure to meet the obligations listed in this exhibit, failure to provide cooperation, or because of any other circumstance outside of Oracle's control, then you agree to pay Oracle for such increased costs. Such increased costs may include time during which Oracle consultants are under-utilized because of delays.

4. Acceptance of Deliverables.

Upon completion of any deliverable, Oracle shall provide a copy thereof to you. At such time, if you request, Oracle will demonstrate to you that the deliverable conforms to the description specified for such deliverable in Section 1 of this exhibit. You will be responsible for any additional review and testing of such deliverable in accordance with any mutually agreed test scripts as may be included in Oracle's project management plan. If the deliverable does not conform with the description for such deliverable specified in Section 1 of this exhibit and/or any such test scripts, you shall have five (5) business days after Oracle's submission of the deliverable ("acceptance period") to give Oracle written notice which shall specify the deficiencies in detail. Oracle shall use reasonable efforts to promptly cure any such deficiencies. After completing such cure, Oracle shall resubmit the deliverable for your review and testing as set forth above. Upon accepting any deliverable submitted by Oracle, you shall provide Oracle with written acceptance of such deliverable. If you fail to provide written notice of any deficiencies within the acceptance period, as provided above, such deliverable shall be deemed accepted at the end of the acceptance period.

5. Fees and Expenses.

5.1 You agree to pay Oracle a fee of Three Hundred and One Thousand, Two Hundred Seventy Nine Thousand Six Hundred Sixty Six dollars (\$279,666.00) for services and deliverables described in this exhibit. Upon completion of a milestone, the corresponding fee specified below becomes due and payable; this payment obligation shall become noncancelable and the sum paid non refundable on such completion date. A milestone is completed once all the deliverable(s) under such milestone are accepted by you, or deemed accepted.

Milestone No.	Associated Deliverable(s):	Associated Fees:
Milestone #1	<ol style="list-style-type: none"> 1. BR-100 for SS updated 2. Security Matrix for HR Rep Mgr SS created 3. Creation of Report outlining outcome/accomplishments related to Oracle tasks set forth in Section A – Self-Service - Employee Manager. 	\$30,000.00
Milestone #2	<ol style="list-style-type: none"> 1. Completion of BR100 setups for SSBen. 2. Creation of Report outlining outcome/accomplishments related to Oracle tasks set forth in Section B - OAB Self-Service Configuration 	\$130,000.00
Milestone # 3	<ol style="list-style-type: none"> 1. Completion of the Oracle Tasks as set forth in Section C. 2. Creation of Report outlining the outcome/accomplishments related to Oracle tasks set forth in Section C. OAB (non-Self Service) Open Enrollment. 	\$30,000.00
Milestone # 4	<ol style="list-style-type: none"> 1. BR-100 for OLM updated. 2. Security Matrix for OLM created 3. Creation of Report outlining the outcome/accomplishments related to Oracle tasks set forth in Section D. Learning Management (OLM). 	\$30,000.00
Milestone # 5	<ol style="list-style-type: none"> 1. Delivery of Oracle Tasks as set forth in Section E Technical Support. 2. Creation of report to customer, in MS Format, containing the results/outcome of Oracle tasks/deliverables, as set forth in Section E. Technical Support. 	\$30,000.00
Milestone # 6	<ol style="list-style-type: none"> 1. Creation of weekly status reports identifying accomplishments and work planned for the next week, if applicable related to Section F. Functional Support for Test Scripts and Testing of Self Service and OAB Applications. 	\$20,000.00
Milestone # 7	<ol style="list-style-type: none"> 1. Creation of weekly status reports identifying accomplishments and work planned for the next week, related to Section G Custom View for Status workflows. 	\$9,666.00
TOTAL FIXED FEE		\$279,666.00

5.2 Expenses related to the providing of the services and deliverables are estimated to be, in the aggregate, an additional zero dollars (\$0.00). Such expenses will be invoiced monthly as they are incurred. This estimate does not include taxes.

5.3 The parties acknowledge that temporary living reimbursements to Oracle provided consultant(s) may be deemed compensatory under federal, state, and local tax laws if a consultant's assignment in a particular location will exceed or has exceeded one year. Where reasonably possible, Oracle will plan with you to limit the duration of a consultant's assignment in a particular location to less than one year. If the requirements of the services are such that it becomes necessary for a consultant's services in a particular location to continue for a year or more and as a

result, the reimbursement of such consultant's living expenses are deemed compensatory for tax purposes, then, you agree to pay Oracle the amount of additional compensation provided to such consultant to compensate for taxes imposed.

6. Project Management.

You and Oracle each agree to designate a project manager who shall work together with the other party's project manager to facilitate an efficient delivery of services.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Kathleen Lane

Contact Number: 404-335-1983

Originating Department: Department of Information Technology

Committee(s) of Purview: Finance/Executive Committee

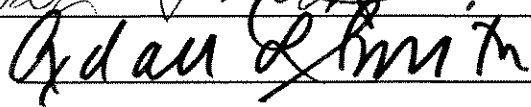
Chief of Staff Deadline: November 12, 2008

Anticipated Committee Meeting Date(s): Nov. 24, 2008

Anticipated Full Council Date: December 1, 2008

Legislative Counsel's Signature: 

Commissioner Signature: 

Chief Procurement Officer Signature: 

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT PURSUANT TO SECTION 2-1601 ET. SEQ. OF THE CITY OF ATLANTA CODE OF ORDINANCES, UTILIZING GSA CONTRACT GS-35F-0009T WITH ORACLE USA, INC., FOR THE PURCHASE OF CONSULTING AND PROFESSIONAL SERVICES TO IMPLEMENT THE ORACLE HUMAN RESOURCES SELF-SERVICE MODULE ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY-NINE THOUSAND, SIX HUNDRED SIXTY-SIX DOLLARS AND NO CENTS (\$279,666.00) ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM 1001 (GENERAL FUND) 050202 (IT APPLICATIONS) 5213001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM) AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11-12-08 DP Reviewed by: 11/14/08 Am P
(date) (date)

Submitted to Council: _____

**AN ORDINANCE
BY COUNCILMEMBERS C, T, MARTIN AND JIM MADDOX**

**AN ORDINANCE AMENDING THE 2008/2009 (GENERAL
FUND) NON-DEPARTMENTAL BUDGET IN THE AMOUNT OF
\$55,000.00 BY TRANSFERRING FUNDS FROM ACCOUNT
_____ TO THE JUDICIAL
AGENCIES-COURT OPERATIONS SALARY ACCOUNTS;
AND FOR OTHER PURPOSES.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
ATLANTA as follows:**

SECTION 1: That the 2008/2009 (General Fund) Non-Departmental Budget be and is
hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

\$55,000.00

TOTAL

\$55,000.00

TRANSFER TO APPROPRIATIONS

Judicial Agencies- Court Opns.

1001.190101.5111001

\$55,000.00

(General Fund) (JDA Municipal Court Operations) (Salaries, Regular)

TOTAL

\$55,000.00